

THE MADRAS LEGISLATIVE COUNCIL.

Wednesday, the 4th February 1925.

The House met at 11 o'clock, Mr President (the hon. Diwan Bahadur L. D. SWAMIKANNU PILLAI AVARGAL, C.I.E., I.S.O.) in the chair.

I

QUESTIONS AND ANSWERS.

[Order made by the President of the Madras Legislative Council under Standing Order No. 15 on the 4th December 1924—

1. Starred questions to be put at a meeting of the Council with their answers shall be printed and placed on the Council table an hour before the President takes his seat.

The Secretary shall call out the name of each interpellator in the order in which the names are printed, specify the serial number of his question and make a sufficient pause to give him or any other member a reasonable opportunity of rising in his place and putting a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.

2. If a member responsible for a starred question happens to be absent when it is called, it will be open either to him or to any other member to put supplemental questions thereon after the other starred questions for the day have been answered, provided question-time is not thereby exceeded.

3. Questions, not starred, will not be called in Council, but they will be printed with their answers and placed on the table of the House along with the list of starred questions. Oral supplementary questions will not be allowed in regard to unstarred questions.]

STARRED QUESTIONS.

Depressed Classes.

Appointment of manager of the office of the Commissioner of Labour, Madras.

* 41 Q.—Mr. R. VEERIAN: Will the hon. the Home Member be pleased to state—

(a) whether there is any proposal made by the Commissioner of Labour to appoint an Adi-Dravida as manager of the office of the Commissioner of Labour, Madras; and

(b) whether the Commissioner of Labour is vested with powers to appoint such an officer?

A.—(a) No.
(b) Yes.

Mr. R. VEERIAN:—“With reference to the answer given in clause (a), may I know the qualifications required for the post of manager of the office of Commissioner of Labour?”

The hon. Sir ARTHUR KNAPP:—“I am afraid I must have notice of that question.”

Mr. R. SRINIVASAN:—“Is it not possible to obtain a competent man from among the depressed classes for the post of manager of the office of Commissioner of Labour?”

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The hon. Sir ARTHUR KNAPP :—"That is a matter on which it is impossible to give an answer. As far as I know, the post is not vacant."

Mr. R. VEERIAN :—"May I know whether the present manager of the office of Commissioner of Labour has not the real interests of the depressed classes?"

The hon. Sir ARTHUR KNAPP :—"I have no reason to believe so."

Emigration.

Accommodation in S.S. "Teesta" carrying emigrants to the Federated Malay States.

* 42 Q.—Mr. S. SATYAMURTI : Will the hon. the Home Member be pleased to state—

(a) whether S.S. *Teesta* which carried emigrants to the Federated Malay States on 20th November 1924 is a very old ship having no sufficient latrine accommodation or a sanitary cooking place and with a damp floor ;

(b) whether it was unfit to carry human traffic ; and

(c) whether Mr. Paddison went to the wharf to inspect the emigrants but failed to inspect the accommodation in the steamer ?

A.—(a) The Government have no information as to whether the *Teesta* is an old ship. They understand that it has sufficient latrine accommodation, that the cooking places are clean and that the floor is not damp.

(b) No.

(c) Mr. Paddison examined the emigrants, but did not inspect the ship as he had already seen it.

Mr. S. SATYAMURTI :—"With reference to the answer given in clause (a), may I ask the hon. the Home Member to be good enough to say how he came to understand that the ship has sufficient latrine accommodation, etc.?"

The hon. Sir ARTHUR KNAPP :—"The Government came to understand it from a report received from one of the officers whose duty it was to inspect the ship."

Mr. S. SATYAMURTI :—"I only want to know who was it that inspected the ship and whether he was an officer of this Government."

Mr. G. F. PADDISON :—"I went and inspected the ship."

Mr. S. SATYAMURTI :—"Then the ship was allowed to go in this unfit condition in spite of Mr. Paddison's inspection."

The hon. Sir ARTHUR KNAPP :—"The hon. Member must ask only Mr. Paddison."

Mr. S. SATYAMURTI :—"That is asking me to appeal from Philip drunk to Philip sober."

The hon. Sir ARTHUR KNAPP :—"On a point of order, Sir. May I ask my hon. Friend who is Philip drunk and who is Philip sober?"

Mr. S. SATYAMURTI :—"Mr. Paddison is Philip drunk and Mr. Paddison is also Philip sober."

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The hon. Sir ARTHUR KNAPP :—“ May I ask my hon. Friend to specify what he means by suggesting that the ship was unfit to carry emigrants? There is no specific allegation but merely a suggestion that the ship was in bad order. The mere fact that a question is asked does not in itself amount to an allegation that anything was wrong.”

Mr. S. SATYAMURTI :—“ Sir, the answer to my question is ‘ they understand that it has sufficient latrine accommodation, that the cooking places are clean and that the floor is not damp’. My supplementary question was how they came to understand it. The answer was that Mr. Paddison went and inspected the emigrants but did not inspect the ship. I am asking whether Mr. Reilly, the Collector of Madras, who already inspected the ship and allowed it to go in that condition, made any independent enquiries to satisfy himself that the ship was in a fit condition.”

The hon. Sir ARTHUR KNAPP :—“ I am now able to throw some light on the matter. I said I was not quite sure who the officer was. As a matter of fact the officer whose inspection has been referred to is not Mr. Paddison but the Protector of Emigrants on whose specific report this answer is framed. He says :—‘ During my inspection I have always found the latrine clean, etc. There is separate latrine accommodation for males and females.’ ”

Mr. S. SATYAMURTI :—“ What is the date of that report? I should like to know whether it was after this question was sent in.”

The hon. Sir ARTHUR KNAPP :—“ The middle of December last year.”

Mr. S. SATYAMURTI :—“ With reference to the answer to clause (c) of this question, when did Mr. Paddison last see this ship? ”

The hon. Sir ARTHUR KNAPP :—“ I understand that it was in May or June last year.”

Mr. S. SATYAMURTI :—“ This ship sailed on 20th November 1924. I am asking merely why for four or five months he did not inspect the ship which carried emigrants and whether it was not one of his duties.”

Mr. G. F. PADDISON :—“ It was not as my duty that I went down to inspect the ship.”

Mr. S. SATYAMURTI :—“ I am sure we are all acquainted with the duties of Mr. Paddison, and I do suggest that it was his duty to have inspected the ship, and he neglected it.”

The hon. Sir ARTHUR KNAPP :—“ May I point out, Sir, that the duty which Mr. Paddison was performing was not his duty. It was the duty of the Collector of Madras who happened to be ill. Mr. Paddison spared what time he could and went down to inspect the ship. It is not fair to say that he was neglecting his duty.”

Mr. S. SATYAMURTI :—“ I am sure the hon. the Home Member realizes what he means when he says that Mr. Paddison did not inspect the ship.”

The hon. Sir ARTHUR KNAPP :—“ I understand that the main object of inspection on each occasion is with reference to the number of passengers carried. That is a matter which may be done on shore. As for the inspection with reference to structural details, the provision of latrines, etc., once that is done it should hardly be necessary to repeat the

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inspection unless some change in the arrangement has occurred. The officer whose report we have has stated that the cooking places were clean and the floors dry."

Mr. S. SATYAMURTI :—" It might have gone damp again."

The hon. Sir ARTHUR KNAPP :—" And it would dry again."

Jails.

The imprisonment of Mr. Neelakanta Brahmachari.

* 43 Q.—Mr. V. PANTULU AYYAR : Will the hon. the Home Member be pleased to state—

(a) the jail to which Mr. Neelakanta Brahmachari, referred to in the *Swarajya* dated 15th December 1924, page 3, was first sent after conviction ;

(b) the transfers made hitherto and the period of detention in each jail ;

(c) the reasons for transfers, if any ;

(d) the latest transfer effected and from what place to what place ;

(e) the jail in which the prisoner is confined at present ;

(f) the latest report the Government received about him from the jail authorities ;

(g) whether the Government will ascertain immediately and report about the present state of the prisoner's health, containing particulars of his weight on admission, present weight and periods of illness, if any, from the date of his conviction up to date ;

(h) the nature of work that has been given to the prisoner so far from the date of his conviction ;

(i) whether the prisoner was objected to by the jail authorities or any other officer of Government from corresponding with his relatives or friends, as the case may be, and if so, reasons thereof ;

(j) whether Government or any of its officer received any application from any friend or relative of the prisoner seeking permission to interview the prisoner ; and

(k) if the answer to (j) be in the affirmative, whether such permission was granted ; if not, why not ?

A.—(a) The Penitentiary, Madras.

(b) The Penitentiary, Madras.

The Central Jail, Rajahmundry.

Information as regards the periods of detention in these jails has been called for.

The Central Jail, Montgomery, from the 25th May 1923 to 20th August 1924.

The Central Jail, Multan, from 21st August 1924.

(c) He was detained in the Central Jail, Rajahmundry, pending removal to another province as it was considered undesirable to retain him in one of the jails of this Presidency.

(d) From the Central Jail, Montgomery, to the Central Jail, Multan.

(e) The Central Jail, Multan.

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(f) & (g) The prisoner who is a chronic dyspeptic patient did not keep good health while at Rajahmundry. Since his transfer to Multan he has improved considerably and has regained his normal weight (95 lb.).

(h) He was employed on opening yarn at first in the Central Jail, Multan, and is now employed on clerical work. Further details are not available.

(i), (j) & (k) Information has been called for.

Mr. S. SATYAMURTI :—“ With reference to the answers given in (i), (j) and (k), will the hon. the Home Member be pleased to place the information on the table of the House as soon as it is received ? ”

The hon. Sir ARTHUR KNAPP :—“ Yes.”

Malabar Affairs.

Services rendered during the Mappilla rebellion in Malabar.

* 44 Q.—Mr. J. A. SALDANHA : Will the hon. the Home Member be pleased to place before the House a statement of the names of the officials and non-officials who rendered exceptionally valuable services during the Mappilla rebellion in Malabar and in settling the country thereafter and the rewards they have received by means of honorary titles, grants of land or pecuniary remuneration ?

A.—The Government have not compiled a list of those whose services they considered exceptionally valuable from the names of those who were engaged in dealing with the Malabar rebellion. Excepting two cases where a small reward was given to persons who volunteered to accompany the troops and act as guides the Government gave no grants of land or money to any such persons ; the grant of titles is not made by the Local Government.

Mr. J. A. SALDANHA :—“ Is it not unfair to neglect these officials who rendered valuable services during Mappilla rebellion ? Is it not desirable that a list of those names should be compiled ? ”

The hon. Sir ARTHUR KNAPP :—“ May I ask what purpose it will serve ? ”

Mr. J. A. SALDANHA :—“ In order to give some recognition to those who rendered valuable services during the rebellion. They must be honoured in some way or other.”

The hon. Sir ARTHUR KNAPP :—“ The conferment of honours rests with His Excellency and His Majesty the King and cannot be discussed in this House.”

Mr. J. A. SALDANHA :—“ Both European and Indian officials have rendered valuable services during the rebellion and there must be some sort of recognition of their services either by grant of land or some such thing. There are only a very small number of officials who have rendered such services and is it not desirable that a list of their names should be compiled ? ”

The hon. Sir ARTHUR KNAPP :—“ There are a very large number of officers who rendered very meritorious services.”

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Diwan Bahadur M. KRISHNAN NAYAR :—“ The answer given to this question is “ Excepting two cases where a small reward was given to persons who volunteered to accompany the troops, etc., the Government gave no grants of land or money to any such persons.” There is no reference made to those persons who volunteered their services. Is the hon. Member in a position to say who those persons were ? ”

The hon. Sir ARTHUR KNAPP :—“ They were private persons who accompanied the troops during the operations in connexion with the Mappilla rebellion.”

Diwan Bahadur M. KRISHNAN NAYAR :—“ Can the hon. the Home Member give us some idea as to the amount of money which was given by way of rewards ? ”

The hon. Sir ARTHUR KNAPP :—“ I am afraid I must have notice of that question if I am to give the correct information.”

Acts.

Committee on the amendment of the Madras Estates Land Act I of 1908.

* 45 Q.—Rai Bahadur Sir K. VENKATAREDDI NAYUDU: Will the hon. the Law Member be pleased to state—

(a) at what stage the work of the Committee appointed to go into the question of amending the Madras Estates Land Act I of 1908 is ;

(b) who the members of that Committee are ;

(c) what interest each of the said members represents ;

(d) whether it is a fact that the landholders' interest is more strongly represented in that body ;

(e) who are the members in it who are expected to represent the tenants' interests ;

(f) how many meetings the committee held up to the date of answering this question ;

(g) what questions were decided in those meetings ; and

(h) when Government expect this Committee to finish its labours ?

A.—(a), (f), (g) & (h) The Committee has held two sittings till now. It cannot be said now when it will finish its labours.

(b) The hon. Member is referred to G.O. No. 1917, Law (General), dated the 27th June 1924, and G.O. No. 2441, Law (General), dated the 28th August 1924, both of which have been placed on the Editors' Table. At the instance of the Committee, the following Deputy Collectors have been co-opted as members :—

M.R.Ry. M. Narasimham Pantulu Garu.

M.R.Ry. N. Koil Pillai Avargal.

(c), (d) & (e) The hon. Member is referred to the answer given to question No. 367 asked at the meeting of the Council held in August 1924.

Recognition of Canon Law under the Madras Civil Courts Bill.

* 46 Q.—MR. J. A. SALDANHA: Will the hon. the Law Member be pleased to place before the Council the correspondence between the Madras Government and the Government of India on my amendment regarding the

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recognition of Canon Law like Hindu and Muhammadan law under the Madras Civil Courts Bill, or at least the opinion of this Government and the Government of India on the proposed amendment with the reasons therefor?

A.—No.

Mr. J. A. SALDANHA :—“ Will not the Government be pleased to publish the correspondence between them and the Government of India ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ We are not entitled to publish the correspondence between us and the Government of India unless the latter allow us to do so.”

Advisory Committees.

Joint Advisory Committees.

* 47 Q.—Rao Bahadur CRUZ FERNANDEZ : Will the hon. the Law Member and the hon. the Member for Revenue be pleased to state—

(a) the reasons why no joint advisory committees of the Council have yet been constituted for the administration of all departments under the charge of the hon. the Revenue and the Law Members; and

(b) whether it is the intention of Government to arrange for the formation of such advisory committees with suitable provisions for the representation of minority communities from the Legislative Council, viz., Indian Christians, Muhammadans, depressed classes, Europeans, Anglo-Indians?

A.—(a) The Law Member and the Revenue Member have not till now felt the necessity for the committees.

(b) It is not the intention of the Government to constitute such committees for the departments in charge of the Law Member and the Revenue Member.

Criminal Justice.

Disturbances at Maruthakudi.

* 48 Q.—Mr. S. SATYAMURTI : Will the hon. the Law Member be pleased to state—

(a) whether his attention has been drawn to the troubles that arose at Maruthakudi on the 13th to 15th of November over the question of the route by which a corpse was to be carried to the cremation ground;

(b) whether he has caused any inquiries to be instituted into this matter; and

(c) whether he will be pleased to place the results of the inquiry on the table of this House?

A.—(a) Yes.

(b) The Government have perused the report of the District Magistrate, Tanjore.

(c) The Government have issued an order that the prohibitory order issued under section 144, Criminal Procedure Code, should remain in force till 15th May 1925; within this period the residents of Maruthakudi village will have time to take the matter to the Civil Court, if so advised.

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Diwan Bahadur M. KRISHNAN NAYAR :—“ The answer given to this question is “ Excepting two cases where a small reward was given to persons who volunteered to accompany the troops, etc., the Government gave no grants of land or money to any such persons.” There is no reference made to those persons who volunteered their services. Is the hon. Member in a position to say who those persons were ? ”

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(f) how many meetings the committee held up to the date of answering this question ;

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observances and things of that kind, and the Government came to the conclusion that if they went into details of social observances and ostracism and topics of that kind, the procedure would, far from being of use to the community, exacerbate feelings. Therefore they have for the moment preferred that these communities should settle their disputes amicably. If, unfortunately, they cannot so settle the disputes, it may be necessary for the Government to step in, but it is hoped that there may be no need for the Government to step in."

Mr. T. ADINARAYANA CHETTIYAR :—" Though I do not want the hon. the Law Member to go into questions of social observances or ostracism and all that, I may tell him that the number of criminal cases as a result of this oppression has been increasing rapidly in the Tinnevely district. I have got a statement—and I can show it to the hon. the Law Member—of the number of cases that came to my notice, and it looks as if the social differences have not been settled amicably in spite of the pious wish of the hon. the Law Member. I would therefore request him to write to the Collector and other officers of the Tinnevely district and get their report as to whether these people are not oppressed and also showing what measures have been taken by these officers to protect this oppressed community."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I shall communicate to the District Magistrate concerned the views expressed in this House by the hon. Member. But I am sure, Mr. President, if the matter is stated fully, it will at once demonstrate the difficulty in the matter. One community wants another community to take part in certain varieties of cremation work. This community, owing to the new consciousness of their legitimate rights or otherwise, declined to perform those services. And then the other communities, in return or retaliation, declined to give them certain elementary rights. In a matter of that kind, the functions of the Government must of necessity be very slight if they are to be assumed at all. Supposing, for instance, a number of people prevent the passage of some others through the streets, that is wrong, and Government can take action. But if social indignities are heaped upon them, what can the Government do ? "

Mr. T. ADINARAYANA CHETTIYAR :—" My information is that even the village officers are joining the other caste people to oppress the members of the Maruthuvakula community."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" The hon. Member will greatly assist Government if he will say in what manner the ill-treatment takes place, so as to enable the intervention of Government. If it is a mere social indignity, the hon. Member will, as readily as any other Member in this House, see the inherent impossibility of the Government intervening."

Mr. T. ADINARAYANA CHETTIYAR :—" The indignities are committed in a thousand and one subtle ways that it is not possible to point out that such and such a man is doing a particular thing. A number of village officers are joining the other caste people in heaping indignities upon this community. So if the hon. the Law Member would be kind enough to write to the chief authorities in the district, the Collector, the Superintendent of Police and others to see that the community is protected in the performance of their ordinary daily avocations, I shall be much obliged."

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The hon. Mr. C. P. RAMASWAMI AYYAR :—" All that I promise is that I shall undertake to convey to the authorities concerned the feelings exhibited by hon. Members in this House and the statements made by them."

Mr. R. VEERIAN :—" May I know whether any particular community has got a right over another community to compel them to do menial work unlawfully?" (Laughter).

Irrigation.

Improvement of the Suriliar channels.

* 50 Q.—Mr. A. CHIDAMBARA NADAR : Will the hon. the Law Member be pleased to state—

(a) how far the proposals for improving the Suriliar channels have been worked out; and

(b) how far the spout system of irrigation recently introduced is progressing and whether it is really advantageous to the ryots?

A.—(a) Estimates have been prepared.

(b) Resluicing is in progress and, together with the remodelling of the channels of which this forms a part, should be very beneficial to the ryots.

Mr. A. CHIDAMBARA NADAR :—" With regard to clause (a) of the question, may I know how long it would take to give effect to the proposals?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—" As I have already stated in the answer to clause (b), resluicing is in progress, and I do not think it ought to take more than three or four months."

Repairs to the anicut, etc., at Periapalaiyam village, Erode taluk.

* 51 Q.—Mr. R. VEERIAN : Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the anicut of Periapalaiyam village, Erode taluk, Coimbatore district, was washed away by the floods several years ago and the same was left in a ruined condition without any repairs whatever ever since the time;

(b) what has become of the mahazar submitted by the residents of Agrahara Periapalaiyam village, Erode taluk, to the Coimbatore District Collector on 20th March 1924 requesting him to inspect the channel and the anicut;

(c) whether it is a fact that owing to non-repairs of the channel and the anicut most of the lands lying near by were transferred from wet to dry except a few portions at the tail end of the channel;

(d) whether it is a fact that the signatories to the mahazar are prepared to dig the ruined channel at their expense on condition that the Government undertake to rebuild the existing anicut across Noyyal (under ruins);

(e) if so, the difficulty in accepting the offer made by the signatories to the mahazar; and

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(f) if the Government have no information with reference to clauses (a) to (e), whether the Government will be pleased to call for the information?

A.—Government have no information. A report has been called for.

Mr. C. V. VENKATARAMANA AYYANGAR :—“ If the report is received, will the Government lay it on the table ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Yes.”

Police.

Duties of Circle Inspectors of Police.

* 52 Q.—Rai Bahadur T. M. NARASIMHACHARLU : Will the hon. the Law Member be pleased to state—

(a) what are the duties of the Circle Inspectors of Police in this Presidency; and

(b) whether they do any investigation into crimes as part of their ordinary duties?

A.—(a) & (b) The hon. Member is referred to Orders of the Madras Police, Volume I.

Mr. K. KOTI REDDI :—“ Is there a book called ‘ Orders of the Madras Police ’, or is it the Police Manual ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ The Madras Police Manual, Volume I, Executive Orders, 1917.”

Finance.

Excess expenditure during the last two years over grants sanctioned.

* 53 Q.—Sriman BISWANATH DAS Mahasayo : Will the hon. the Member for Finance be pleased to state—

(a) the number of cases in which excess expenditure over a grant or grants in each of the years of 1921-22 and 1923-24 was incurred;

(b) if there are any such cases, whether they related to Transferred or Reserved department and also to voted or non-voted items of expenditure; and

(c) whether subsequent sanction of the Legislature was obtained in any or all these cases?

A.—(a) & (b) Excess expenditure over the grants voted by the Legislative Council occurred in six cases in the year 1921-22, five of these relating to Reserved department and one to a Transferred department. As regards non-voted items of expenditure, excesses over the sanctioned allotments occurred under six major heads. Details of the above excesses will be found in the Appropriation Report on the accounts of this Presidency for 1921-22.

The Appropriation Report for the year 1923-24 has not yet been received by Government.

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- (c) The sanction of the Legislative Council to excesses over the sanctioned grants relating to the year 1921-22 was not obtained as the Auditor-General, in his commentary on the Appropriation Report on the accounts of this Presidency for 1921-22, stated that there was no question of sanctions being accorded after the year was over either by the Government or by the Legislative Council to cover the excesses shown in the appropriation accounts, and that no sanctions or reappropriations can be made after the close of the year. The report of the local Public Accounts Committee containing information relating to the excess expenditure was, however, placed on the table of the Legislative Council. This procedure has since been changed at the instance of the Auditor-General and the sanction of the Legislative Council was obtained to excesses over sanctioned grants relating to the year 1922-23. In the case of non-voted items of expenditure, excesses over the sanctioned allotments under the various major heads for the above year required the sanction of Government in the Finance Department and the necessary sanction has been accorded.

Mr. C. V. VENKATARAMANA AYYANGAR :—“ May we know if the Government are taking any steps to prevent such recurrence hereafter, namely, of excess expenditure by various departments, and, if so, what steps have been taken ? ”

The hon. Mr. R. A. GRAHAM :—“ Although all departments are expected to avoid excess expenditure as far as possible, it is not always possible to avoid it, and in every country very much the same thing happens. The procedure we have adopted is, as far as possible, modelled on that of the House of Commons in England.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ I simply want to know if Reserved departments are not very obedient and the Transferred departments are very obedient and whether the large excess amounts spent by the departments have to be deducted from the sums that are necessarily to be reserved spent by the Transferred departments ? ”

The hon. Mr. R. A. GRAHAM :—“ Certainly not, Sir.”

Land Revenue.

Failure of crops in Tanjore district.

* 54 Q.—Mr. V. HAMID SULTAN MARAKKAYAR SAHIB: Will the hon. the Member for Revenue be pleased to state—

(a) whether he is aware that the crops in the Tanjore district have failed owing to scarcity of water in the rivers; and

(b) whether Government have called for any figures from the local officials showing the details of lands that have yielded this year?

A.—(a) Yes in parts.

(b) No: the usual returns adequately meet the case.

Mr. S. SATYAMURTI :—“ Taking the answers to the two parts of the question together, may I ask the hon. the Revenue Member as to whether he can give any idea to this House of the failure of crops in the district owing to scarcity of water ? ”

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The hon. Mr. N. E. MARJORIBANKS :—" We have got the report from the Collector on the matter and I have no objection to publish it."

Mr. T. ADINARAYANA CHETTIYAR :—" What is the date of the Collector's report, Sir? "

The hon. Mr. N. E. MARJORIBANKS :—" 23rd January."

Alleged collection of interest on the arrears of assessment from the mirasidars of Tanjore district.

* 55 Q.—Mr. V. PANTULU AYYAR : Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the District Collector of Tanjore has ordered collection of interest at 6 per cent from the mirasidars of Tanjore district for the last fasli ;

(b) whether previous notices were served upon the defaulting mirasidars ;

(c) whether calculation of interest is ordered even for payments made during the kist collection period of February, March and April ;

(d) whether the Revenue authorities in the district collected during the last fasli $6\frac{1}{4}$ per cent over and above the actual kist due from the mirasidars who were entitled to pay only lesser rates ;

(e) whether the excess collection was made even after Government orders had been passed announcing the said reduction of $6\frac{1}{4}$ per cent ;

(f) whether Government have allowed any interest or propose to do so for the excess amount collected by them from the mirasidars ;

(g) whether interest has been collected even for payments made within the kistbandi from the landholders of any other district in the province ; if so, the names of those districts ;

(h) whether Government had collected interest as at present in any one of the 30 years preceding the last fasli ; if so, when and, if not, the special reasons for adopting a different procedure now ; and

(i) the amount that Government may realize from interest collection in the district of Tanjore ?

A.—(a), (c), & (g) The hon. Member is referred to the answer to question No. 84.

(b) A demand for payment was directed to be made in each case and interest was levied only on refusal.

(d), (e), (h) & (i) The Government have no exact information ; but as the orders of Government that the increase at resettlement should be limited to $18\frac{3}{4}$ per cent can have reached the Collector only towards the end of the fasli, it is quite possible that some excess collections were made.

(f) No.

Mr. S. SATYAMURTI :—" With reference to the answer to clause (b), may I know if the hon. the Revenue Member is in a position to say whether the demand for payment was actually made in each case before this interest was levied ? I find in the answer it is stated that the demand for payment was directed to be made, etc. I want to know whether it is made as a matter of fact."

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The hon. Mr. N. E. MARJORIBANKS :—“ I have no information, Sir, but it is presumed that the demand is made according to the directions given.”

Mr. S. SATYAMURTI :—“ With reference to the answers to clauses (d), (e), (h) and (i), the questions are whether the Revenue authorities collected $6\frac{1}{4}$ per cent more than the actual kist due and whether the excess collection was made even after the Government orders had been passed announcing the reduction of $6\frac{1}{4}$ per cent. The answer says that as the orders of the Government that the increase should be limited to $18\frac{3}{4}$ per cent. could have reached the Collector only towards the end of the fasli, it is quite possible that excess collections were made. I should like to know from the Government the number of cases in which such excess collection was made even in cases where the mirasidars were entitled to pay lesser rates.”

The hon. Mr. N. E. MARJORIBANKS :—“ I have no information as to the number of cases, Sir.”

Mr. S. SATYAMURTI :—“ Will the Government call for it ? ”

The hon. Mr. N. E. MARJORIBANKS :—“ I do not see sufficient reason to call for it, Sir.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ As regards clause (h), may we know exactly as to whether there is any case at all during the last 30 years? Without any elaborate enquiries the information can be got. If there is not even one individual case hitherto, then certainly we can say that the Government is levying it only in these particular circumstances.”

The hon. Mr. N. E. MARJORIBANKS :—“ I am not aware whether there has been any case during these years.”

Mr. S. SATYAMURTI :—“ With reference to the answer to clause (f) of this question, may I ask the reasons why the Government have not allowed or do not propose to allow any interest on the excess amount collected from the mirasidars ? ”

The hon. Mr. N. E. MARJORIBANKS :—“ If the interest is properly collected, there is no reason why it should be refunded. If it has been collected in excess of what is due, it would be refunded either by adjustment or in cash.”

Mr. S. MUTTAYYA MUDALIYAR :—“ May I ask the hon. the Revenue Member whether the Government propose to pay interest on the excess amount of land revenue they have collected already? The Government admit that they have made excess collections of $6\frac{1}{4}$ per cent in some cases. The question put by the hon. Member for the University is whether on the excess collections they have made they propose to allow interest to the mirasidars, since the Government collected interest from them for arrear payments made by them.”

The hon. Mr. N. E. MARJORIBANKS :—“ I understand the hon. Member to ask whether interest will be allowed upon the sums collected in excess. The answer is in the negative.”

Mr. S. SATYAMURTI :—“ May I know whether the Government says ‘ Heads, I win ; tails, you lose ’? If their demand falls in arrears, they charge interest ; but if they collect in excess, they would not pay interest on it. I want to know on what principles does the Government base its action ? ”

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The hon. Mr. N. E. MARJORIBANKS :—" It would take very long time to explain it, Sir, but in our revenue system the collection has to be made on the basis of a provisional demand which in some cases may prove more and in others less than the amount that is ultimately found to be due. There is no provision for the payment of interest on any amount that may ultimately be found to have been paid in excess, and it has never been the practice, apart from any provision to that effect, to make any such refund of interest."

Mr. S. SATYAMURTI :—" I am not asking with regard to that. I very well understand that the Government may have to make provisional calculations as to the amount that might be fixed as the rent. But I am asking where the rate itself differs, where I am made to pay 25 per cent when I am bound to pay $18\frac{3}{4}$ per cent and the Government thus collect thousands of rupees, whether a general rebate is to be made and interest paid on excess. I am asking not in the case of wrong calculations but in the case of a change in the rates levied."

The hon. Mr. N. E. MARJORIBANKS :—" The rate is, as a special case in regard to Tanjore, reduced to $18\frac{3}{4}$ per cent and it is stated that there was excess collected. If any large amount was so collected and kept some time and if it is so proved, we should be prepared to consider whether any interest should be allowed. But considering the considerable concession made in regard to the reduction from 25 per cent to $18\frac{3}{4}$ per cent, I am not *prima facie* prepared to promise any such payment."

Mr. S. SATYAMURTI :—" Is it as a kind of commercial bargain by the Government with the ryots of Tanjore ? "

Mr. C. RAMALINGA REDDI :—" May I ask the hon. the Revenue Member whether he is prepared to extend the same concession to other classes of lands, and whether that reduction would not be made applicable to them ? "

The hon. Mr. N. E. MARJORIBANKS :—" That does not arise out of this question, Sir."

Mr. R. SRINIVASA AYYANGAR :—" May I know whether the principle of charging interest for ' money had and received ' does not apply to excess amounts collected by Government ? "

The hon. Mr. N. E. MARJORIBANKS :—" It has further been pointed out to me, Sir, that if any one has paid 25 per cent, he could immediately get it back if he cares to apply."

Mr. J. A. SALDANHA :—" May I ask whether it is a concession or a climb down ? "

The hon. Mr. N. E. MARJORIBANKS :—" I am not prepared to argue the meaning of the words used by the hon. Member."

Mr. S. MUTTAYYA MUDALIYAR :—" In the answer we are referred to question No. 84. In that we find that on 16th February 1924 the Collector issued an order for the levy of interest on arrears due in that fasli, etc. May I ask the hon. the Revenue Member whether an order has been issued subsequently by the Collector after the close of the fasli on which interest is collected on arrears that had been paid long before ? "

The hon. Mr. N. E. MARJORIBANKS :—" I must ask for notice, Sir."

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Remission of assessment on flood-affected double-crop lands.

*56 Q.—Mr. J. A. SALDANHA : Will the hon. the Member for Revenue be pleased to refer to his answer to question No. 568 (2) given on 10th October 1924 in which reference is made to the answer to question No. 887 given on 3rd April 1924 and state up to what extent and on what principle Government have granted remission of taxation in case of double-crop wet lands on which the first crop was destroyed by floods and only second wet crop was raised ?

A.—No remission was granted in the case of double-crop lands in the South Kanara district on which the first crop was destroyed by the floods of 1923 but a second crop was raised.

Mr. J. A. SALDANHA :—“ May I know whether the Government have decided to grant no remissions ? ”

The hon. Mr. N. E. MARJORIBANKS :—“ I understand the question relates to the last fasli. The Government do not wish to do anything further than what has already been done.”

Mr. J. A. SALDANHA :—“ What has been done already ? There was a definite request from Mr. Hegde and the late Revenue Member, the Raja of Kollengode, promised to inquire into the matter and the reduction proposed was to the extent of two-thirds. I want to know what has been done and what is proposed to be done by the Government ? ”

The hon. Mr. N. E. MARJORIBANKS :—“ The answer states that no remission was granted and the Government do not propose to grant any such remission.”

Alleged distress warrants for recovery of survey fees in Tanjore town.

*57 Q.—Mr. S. SATYAMURTI : Will the hon. the Member for Revenue be pleased to state—

(a) whether under the Madras Survey and Boundaries Act IV of 1887 distress warrants for attachment of properties have been quite recently issued on a large scale for alleged survey fees due within the Tanjore town ;

(b) whether the first and the only intimation that the party gets is when the Revenue officer walks into his house and demands money and threatens distraint and no details are given as to how and when the liability arose ; and

(c) whether the Government propose to see that notice is given to the parties before any further steps are taken ?

A.—(a) The Government have no information but have called for a report.

(b) No.

(c) Section 8 of the Survey and Boundaries Act VIII of 1923 provides for the issue of such notices.

Mr. S. SATYAMURTI :—“ Will the Government be pleased to lay the report on the table of the House ? ”

The hon. Mr. N. E. MARJORIBANKS :—“ That will be considered when the report is received.”

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Mr. S. SATYAMURTI :—“ With reference to clause (c), I know that the section provides for the issue of such notices. Apart from the presumption I want to know whether any step has been taken to the serving of these notices to the parties before taking action.”

The hon. Mr. N. E. MARJORIBANKS :—“ If the reports show that such notices have not been served the Government will have to consider what steps are necessary.”

Local Boards and Municipal Councils.

Dindigul Municipality.

* 58 Q.—MR. A. CHIDAMBARA NADAR : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) how long the privilege of electing its chairman was enjoyed by the Dindigul municipality and why it was withdrawn ;

(b) whether the council was given an opportunity of explaining the grounds on which the privilege was withdrawn ;

(c) whether all the papers relating to the grounds on which the Government took action were placed before the municipal council ;

(d) if the Government thought that the municipal council was incompetent to discharge its duties, why the extreme step of withdrawing the privilege of electing its chairman was taken, when they would have acted under section 41 of the District Municipalities Act either by dissolving or superseding the council ;

(e) whether the Collector of the Madura district was consulted with regard to the matter and whether it was on his advice that the privilege was withdrawn ;

(f) whether the then chairman was asked to explain the conduct of the council in the light of the report of the Collector ;

(g) whether the Government will place on the table all the correspondence that took place in connexion with the withdrawal of the privilege ;

(h) whether the Government received any mahazar from the electorate of the municipality and a copy of the resolutions passed at a meeting held on 28th August 1924 at Dindigul ;

(i) whether the Government made any private inquiry or at least tried to know the wishes of the people of the municipality in connexion with the matter ;

(j) whether the Government had any object in view in enlarging the number of councillors from 17 to 24 by G.O. No 2638, dated 23rd September 1924, especially after the council was asked to state their reasons why the privilege of electing its chairman should not be withdrawn ; and

(k) the number and the names of municipal councillors who resigned after the withdrawal of the privilege ?

A.—(a) The Council was enjoying the privilege since 1885. The reasons for the withdrawal of the privilege are contained in Notification No. 1113 published in Part I-A of the *Fort St. George Gazette*, dated 11th November 1924, and placed on the Council Table on 3rd December 1924.

(b) The answer is in the affirmative.

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- (c) & (f) The attention of the hon. Member is invited to the proviso to section 12 (1) of the Madras District Municipalities Act, 1920. This proviso was duly complied with.
- (d) The point has already been explained at a meeting of the Legislative Council.
- (e) The Collector was consulted.
- (g) The question having been discussed in the Council at great length, the Government are not prepared to place any papers on the table of the Legislative Council.
- (h) The Chairman forwarded to Government copies of a mahazar and of the resolutions passed at a public meeting held on 28th August 1924.
- (i) As a notification on the subject had been issued in the Gazette, there was no need for any private inquiry.
- (j) The answer is in the negative. The attention of the hon. Member is invited to the provisions of section 7 (1) of the Madras District Municipalities Act, 1920.
- (k) The Government have no information.

Mr. A. CHIDAMBARA NADAR :—" With regard to clause (e), may I have the answer with regard to the second part of the question, viz., whether it was on the advice of the Collector that the privilege was withdrawn ? "

The hon. the RAJA OF PANAGAL :—" The Collector was consulted. But it cannot be said that it was on the advice of the Collector that the Government acted. Government considered several questions and came to the conclusion that it was necessary and desirable that a nominated president should be appointed."

Mr. A. CHIDAMBARA NADAR :—" May I know what the recommendation of the Collector was ? "

The hon. the RAJA OF PANAGAL :—" Government are not prepared to disclose what the Collector recommended."

Mr. S. SATYAMURTI :—" May I know the reason why ? Is it because that the Collector suggested that the privilege ought not to be withdrawn ? "

The hon. the RAJA OF PANAGAL :—" The reason is that the correspondence between the Collector and the Government are treated as confidential."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" Has the Government any idea of withdrawing their order ? "

The hon. the RAJA OF PANAGAL :—" Government have already given the answer that in case the administration proves satisfactory they are prepared to extend the privilege."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" What is the opinion of the Government with regard to the administration so far ? "

The hon. the RAJA OF PANAGAL :—" They are not in a position to say just now whether it is satisfactory or not."

Mr. S. SATYAMURTI :—" With regard to clause (k), may I ask whether the Government will be pleased to call for the information ? "

The hon. the RAJA OF PANAGAL :—" Yes, the Government will call for the information."

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Mr. K. KOTI REDDI:—" May I know, Sir, if the next turn of being deprived of the privilege of electing its chairman is that of the municipality of Cuddapah ? " (Cries of ' Order, order.')

Mr. A. CHIDAMBARA NADAR:—" With regard to clause (i), may I know whether the Government took into consideration the resolutions passed at the public meeting held on the 28th August 1924 ? "

The hon. the RAJA OF PANAGAL:—" Yes, Sir."

Mr. A. CHIDAMBARA NADAR:—" Does the hon. Minister mean that the resolutions or communications have not been forwarded to the Government ? "

The hon. the RAJA OF PANAGAL:—" No."

Suit regarding the chairmanship of Dindigul municipality.

* 59 Q.—Mr. A. CHIDAMBARA NADAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the suit instituted in the Sub-Court at Madura by Mr. M. J. Muhammad Meera Sahib Bahadur for declaration of the chairmanship has been disposed of ;

(b) if not, whether the Government considered the advisability of withdrawing the privilege, when the question between the rival candidates for chairmanship was *sub judice* ;

(c) whether there was any civil revision petition pending in the High Court at the beginning of this year in connexion with the councillorship of Mr. Ramaswami Nayudu, one of the rival candidates for the chairmanship ;

(d) whether any Adi-Dravida councillor tendered his resignation in April 1924 ;

(e) if so, whether it was in order ;

(f) whether any letter of resignation was sent by the Adi-Dravida councillor to the Collector of Madura ;

(g) whether the nomination of Mr. Ramaswami Nayudu to the councillorship was got by telegram from the Government by the Collector ; and

(h) if so, the urgency for the same ?

A.—(a) The Government have no information.

(b), (c) & (d) The answer is in the affirmative.

(e) Presumably it was.

(f) The Government have no information.

(g) & (h) A telegram was issued to the Collector in addition to the usual Government Order approving the appointment of Mr. Ramaswami Nayudu. The Government are not prepared to give any further information.

Mr. S. SATYAMURTI:—" With reference to clauses (g) and (h) of this question, may I ask whether there is any practice of sending telegrams to Collectors with regard to appointments and if not why was it so done in this case ? "

The hon. the RAJA OF PANAGAL:—" Sometimes telegrams are sent."

Mr. A. CHIDAMBARA NADAR:—" With regard to the same clauses the answer says that a telegram was sent approving the appointment of Mr. Ramaswami Nayudu. Was Mr. Ramaswami Nayudu appointed by the Collector ? "

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The hon. the RAJA OF PANAGAL :—"The Collector recommended the name of Mr. Ramaswami Nayudu and the Government approved the recommendation."

Mr. A. CHIDAMBARA NADAR :—"Was Mr. Ramaswami Nayudu elected as a member of the Council and was his election declared invalid by a court of law?"

The hon. the RAJA OF PANAGAL :—"That was what the Government came to know subsequently."

Mr. A. CHIDAMBARA NADAR :—"Is it a fact that when the question was the subject of adjudication in a civil revision petition pending in the High Court Government nominated him as a member of council?"

The hon. the RAJA OF PANAGAL :—"Yes."

Mr. S. SATYAMURTI :—"May I know if the Government had no information at the time that the decision was being questioned in the High Court?"

The hon. the RAJA OF PANAGAL :—"Even if the Government had information there is no objection to such a case being considered by the Government."

Mr. S. SATYAMURTI :—"May I know from the Government whether as a matter of policy they are going to appoint as municipal councillors persons whose elections are being questioned in the highest tribunal of the land?"

The hon. the RAJA OF PANAGAL :—"There is no question of policy involved in the matter."

Mr. S. SATYAMURTI :—"Then, was it an exception?"

The hon. the RAJA OF PANAGAL :—"It is not an exception; all that I can say is that it may be so."

Mr. S. SATYAMURTI :—"Then I take it therefore that what is generally done is policy."

Mr. S. MUTTAYYA MUDALIYAR :—"May I know what would have been the attitude of the Government if the election had been held valid?"

The hon. the RAJA OF PANAGAL :—"It is a hypothetical question and cannot be answered."

Mr. S. MUTTAYYA MUDALIYAR :—"Is it not a fact that the Government take into consideration in making nominations whether a person is already a councillor or not?"

Vacancy in the Cocanada Taluk Board.

* 60 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether Mr. D. V. S. Prakasa Rao was elected to a vacancy on the Cocanada Taluk Board on 14th May 1924;

(b) whether the President of the Godavari District Board did not send his name to the gazette for publication but submitted a report for the Government requesting them to cancel the election;

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(c) whether one of the grounds in that report was that Mr. Prakasa Rao was a congressman ;

(d) whether the Government set aside the election on 31st July 1924 and the grounds for the same ;

(e) whether the Government are aware that the election objection petition filed by Cocanada taluk board and district board was dismissed with costs by the Subordinate Judge, Cocanada, on 11th November 1924, and the election of Mr. Prakasa Rao on 14th May 1924 was declared valid ; and

(f) whether it is a fact that the President, Godavari District Board, has not yet published the notification of the election of Mr. Prakasa Rao ?

A.—(a), (b) & (f) The answer is in the affirmative.

(c) The President, District Board, stated that Mr. D. V. S. Prakasa Rao belonged to the congress party but that was not urged as a reason for action either way.

(d) The Government held the election to be void on the ground that it was not held on the initiative of the president of the district board as required by the rules for the election of members of district boards by taluk boards.

(e) The election petition was filed by a member of the taluk board and not by the taluk board. The petition was dismissed with costs and the election declared valid.

MR. S. SATYAMURTI :—“ With reference to the answer to clause (c), may I know whether it was stated in the report of the president of the district board that Mr. Prakasa Rao was a congressman ? ”

The hon. the RAJA OF PANAGAL :—“ Yes, the district board president reported that he was a congressman. ”

MR. S. SATYAMURTI :—“ May I know the sentence or paragraph containing the statement so that the House may know exactly why it was urged ? ”

The hon. the RAJA OF PANAGAL :—“ Sir, the request cannot be complied with. ”

MR. SAMI VENKATACHALAM CHETTI :—“ May I know to what party the president, district board, belongs ? ”

MR. S. SATYAMURTI :—“ Of course, the Justice party. ”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ I wish to know whether the Government set aside the election before or after the filing of the objection before the Sub-Judge. ”

The hon. the RAJA OF PANAGAL :—“ It was upon the report of the President of the District Board. I cannot say whether that report was subsequent to the filing or before the filing of the appeals. ”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ May I know whether in the Local Boards Act or under the rules thereunder there is any power to the Government to set aside an election without going to the court ? ”

The hon. the RAJA OF PANAGAL :—“ In the matter of elections the initiative must be taken by the President of the District Board and as that formality was not observed the election was considered not valid. ”

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Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ I wish to know whether the Government have any power reserved to themselves either under the Local Boards Act or under the rules framed thereunder whereby they can set aside the election of a member.”

The hon. the RAJA OF PANAGAL :—“ Yes, it is a question of interpretation and the Government according to their interpretation considered that there was no valid election.”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ May I know whether the Government consulted their legal advisers and satisfied themselves that there were powers in that respect ? ”

The hon. the RAJA OF PANAGAL :—“ Yes.”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ Then, Sir, may I know the section of the Act or the number of the rule which gives them the power so that I may know whether the interpretation of the legal adviser is correct or not ? ”

The hon. the RAJA OF PANAGAL :—“ I remember the High Court has decided that in such cases elections are not valid.”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ My question has not yet been answered. I wish to know whether I can be referred to the section of the Act or the section of the rule to see whether the interpretation is correct.”

The hon. the RAJA OF PANAGAL :—“ On the circumstances of the case the Government decided that the election was not valid. Government interpreted the provisions of the Act and found that there was no proper election.”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ May I point out that my question has not yet been answered ? It is not the interpretation of the set of circumstances. It is the interpretation of the rule or section. If there is no rule he can tell us so.”

The hon. the RAJA OF PANAGAL :—“ The position is this. Under the provisions of the Act the initiative has to be taken by the President of the District Board and in this case the initiative was not taken by the President of the District Board. Hence it is that that election is not valid.”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ In answer to clause (e) it is stated that the election is valid. Though the court held the election valid how is it that the election has not been notified and what is the action Government have taken on the matter ? ”

The hon. the RAJA OF PANAGAL :—“ The Government are awaiting the decision of the High Court in appeal.”

Mr. S. SATYAMURTI :—“ Who has appealed to the High Court, Sir ? ”

The hon. the RAJA OF PANAGAL :—“ The party concerned.”

Mr. S. SATYAMURTI :—“ If I go to a court and get a decree from that court, is the Government bound to wait till the highest court in the land makes up its mind one way or the other ? ”

The hon. the RAJA OF PANAGAL :—“ The Government were so advised.”

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Mr. P. ANJANEYULU :—“ Is it not a fact that till a court of law sets aside the election, it is contrary to the spirit as well as the letter of the rules in the Local Boards Act not to notify the election ? ”

The hon. the RAJA OF PANAGAL :—“ That question has already been answered.”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ May I know if the non-publication of the name in the gazette is due to the President of the District Board or the orders of the Government ? ”

The hon. the RAJA OF PANAGAL :—“ Orders of the Government on the report of the President.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ May I know when the orders of the Government were passed ? Is it before or after the decision of the sub-court ? ”

The hon. the RAJA OF PANAGAL :—“ Sir, I think it is before.”

Mr. R. SRINIVASA AYYANGAR :—“ May I know whether the power of the Government is independent of the Act or is limited by the Act ? ”

The hon. the RAJA OF PANAGAL :—“ That question does not arise from the answer given.”

Mr. S. SATYAMURTI :—“ May I know whether the Government have taken legal opinion or whether they depend upon the inherent power which the hon. Minister claims for them in not publishing the name of the person who has been declared elected by a court of law for the time being ? ”

The hon. the RAJA OF PANAGAL :—“ I am afraid the hon. Member assumes that Government have passed these orders upon what the court has decided. I have already pointed out that this order was passed before the order of the court was passed.”

Mr. S. SATYAMURTI :—“ Presumably Government have not changed their order up to date and Mr. Prakasa Rao's name is not yet gazetted. I am therefore asking under what power Government has not done so and if legal opinion was obtained in the matter. By whom was it suggested that it is open to them, in spite of the fact that the Subordinate Judge held that the election was valid, not to publish his name as a taluk board member ? ”

The hon. the RAJA OF PANAGAL :—“ I did not say that the Government took the Advocate-General's opinion. They acted on the advice of the Law Department. As to the question whether it is open to the Government not to publish his name, the Law Department was consulted and they advised us that it is open to Government not to publish ”

Mr. S. SATYAMURTI :—“ May I know what the Law department means ? I am accustomed to know the Law department as the limb of the bureaucracy, which can always manipulate matters to please the bureaucracy. May I ask whether the Government consulted the Advocate-General who has been appointed the legal adviser to the Government ? I am really asking whether
11-45 a.m. the Government consulted the opinion of their expert lawyer, and he is, I believe, the Advocate-General who has been appointed to advise the Government.

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Mr. R. SRINIVASA AYYANGAR :—“Is not the hon. the Minister aware of the fact that in the election rules there is a provision to the effect that all orders passed by the Special Election Tribunal are final?”

The hon. the RAJA OF PANAGAL :—“If the election took place. But here the question at issue is whether there was election or not.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“The matter was pending before the court when the Government passed the order that it was invalid. If so, did the Government know who took the initiative in the election, or whether it was not one of the points raised in the petition presented to the court?”

Mr. SAMI VENKATACHALAM CHETTI :—“May I know if any appeal was preferred against the order of the court?”

Mr. C. V. VENKATARAMANA AYYANGAR :—“May I know if the Government is going to answer my question? I want to know whether at the time the Government passed the order and the petition was pending before the court, this very point as to who took the initiative in the election was one of the points raised in the petition.”

The hon. the RAJA OF PANAGAL :—“I have already answered that the initiative was not taken by the President of the District Board.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“Was it one of the points raised in the petition that was pending before the court when the Government passed the order declaring the election void?”

The hon. the RAJA OF PANAGAL :—“I do not know that I only said that the initiative was not taken by the District Board President.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“I am sorry if I have not made myself clear. I am asking whether that particular point that the election was void because the initiative was not taken by the President, District Board, was not one of the grounds in the petition presented to set aside the election?”

The hon. the RAJA OF PANAGAL :—“I cannot say that offhand.”

Mr. S. SATYAMURTI :—“If the High Court also ruled in his favour, will the hon. the Minister wait till the Privy Council also decided in his favour?”

Mr. P. ANJANEYULU :—“The processes of law are known for their long delay. May I know whether Government propose to compensate the delay in any way?”

The hon. the PRESIDENT :—“No hypothetical cases can be put.”

Wearing of khaddar by the Guntur taluk board subordinates.

* 61 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the reasons why the Government have by their G.O. No. 3167, L. & M., dated the 10th November 1924, cancelled the resolution of the Guntur taluk board relating to the wearing of khaddar by taluk board subordinates, pupils and teachers; and

(b) whether the Collector was consulted in the matter?

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A.—(a) The resolution referred to ran as follows:—

“Circular to be issued that every subordinate receiving his salary from the taluk board funds should forthwith wear khadi. Teachers should persuade the pupils both male and female to wear khadi as far as possible themselves compulsorily clad in khaddar as far as possible.” The taluk board has no power to compel its subordinates and teachers to wear khaddar. The resolution was therefore in excess of the powers conferred on it by law.

(b) The answer is in the negative.

Mr. S. SATYAMURTI:—“May I ask whether the circular was in Telugu or in English?”

The hon. the RAJA OF PANAGAL:—“English.”

Mr. S. SATYAMURTI:—“The answer is ‘The taluk board has no power to compel its subordinates and teachers to wear khaddar’. May I ask whether the taluk board has no power to enforce a uniform on its subordinates?”

The hon. the RAJA OF PANAGAL:—“They have no power.”

Mr. S. SATYAMURTI:—“The subordinates can dress as they like?”

The hon. the RAJA OF PANAGAL:—“Yes.”

Mr. S. SATYAMURTI:—“May I know how then this circular regarding the dress would mean an anxiety on the part of the taluk board to oppose the law?”

The hon. the RAJA OF PANAGAL:—“Because the order was one which they should not have passed.”

Mr. S. SATYAMURTI:—“Assuming that they have no power to enforce khadi on their subordinates, why should the hon. the Minister object to the teachers persuading the pupils both male and female to wear khadi as far as possible? I am asking why the latter part of the circular which simply recommends and not enforces was also cancelled.”

The hon. the RAJA OF PANAGAL:—“The Government consider that it was not part of their duties.”

Mr. S. SATYAMURTI:—“May I ask if it is not part of the duty of the taluk board to encourage people to become self-sufficient economically which would lead to a richer and happier life?”

The hon. the RAJA OF PANAGAL:—“It is not the duty of the teachers, but that of the politicians.”

Mr. S. SATYAMURTI:—“Is not the taluk board composed of politicians?”

Rao Bahadur A. S. KRISHNA RAO PANTULU:—“I wish to know if it is not open to a taluk board to advise subordinates as to how to dress.”

The hon. the RAJA OF PANAGAL:—“The order was *ultra vires*. Hence it is that the Government cancelled it.”

Rao Bahadur A. S. KRISHNA RAO PANTULU:—“I am tempted to put this question with reference to the answer of the hon. the Minister where he

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stated regarding the latter portion of the order that it was not part of their duties to persuade people. I believe the hon. the Minister will please say if local boards cannot be prevented from advising their subordinates."

The hon. the RAJA OF PANAGAL :—" Advising is different from passing orders."

Mr. S. SATYAMURTI :—" So, I take it the hon. the Minister has no objection to advising."

The hon. the RAJA OF PANAGAL :—" Not as taluk boards, but as individual members."

Mr. A. RAMASWAMI MUDALIYAR :—" May I ask the hon. the Minister for Local Self-Government whether it is part of the duty of an elementary teacher of a taluk board to persuade pupils, both male and female to wear khaddar? The persuasion is with regard to the pupils and it is said to be the *duty* of the teachers to be compulsorily clad in khaddar according to the politicians in this particular taluk board. I am asking whether they can compel the teachers to do this, and I am asking the hon. the Chief Minister whether it is the duty of an elementary teacher of a taluk board school which receives a grant from the Government? Therefore Government have a hand in the matter of asking the teacher to persuade the pupils."

The hon. the RAJA OF PANAGAL :—" I have already replied that it is not part of their (teachers) duty."

The introduction of the District Municipalities Act (Amendment) Bill.

* 62 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) when he expects to be in a position to introduce the District Municipalities Act (Amendment) Bill;

(b) whether he is considering the question of empowering by statute district municipalities to prohibit the slaughter of useful cattle within their areas; and

(c) if not, why not?

A.—(a) The Bill will be introduced as soon as certain necessary alterations have been made.

(b) The answer is in the negative.

(c) The attention of the hon. Member is drawn to the answer given to his supplementary question on question No. 647 answered at the meeting of the Legislative Council, dated 19th March 1924.

Mr. S. SATYAMURTI :—" With reference to the answer to clause (c)—the hon. the Minister will correct me if I am wrong—my recollection is that Government said that they were considering the question in the light of opinions on this matter. I should like to know whether they have not yet received these opinions and whether they are considering this question of empowering the district municipalities."

The hon. the RAJA OF PANAGAL :—" Opinion is still coming in."

Mr. S. SATYAMURTI :—" When will they end coming?" (Laughter).

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Excise.

Recommendations of local bodies regarding the location of toddy and arrack shops.

* 63 Q.—MR. A. CHIDAMBARA NADAR: Will the hon. the Minister for Education be pleased to state—

(a) whether the recommendations of the local boards and municipalities as to the location of toddy and arrack shops have been acted upon by the Government;

(b) whether any resolution has been passed by the Local Boards Conference, Southern Group, recently held at Madura in regard to the matter; and

(c) whether the Government have taken any steps on the matter?

A.—(a) Out of 154 cases in which change of site was recommended in 1923-24 by Advisory Committees on which these Boards are represented, the recommendation was acted upon in 123 cases.

(b) Yes.

(c) No. The Excise Advisory Committee is examining the question.

MR. A. CHIDAMBARA NADAR:—“ May I know whether the local boards and municipalities are asked to make recommendations as to the location of toddy and arrack shops? ”

The hon. Rao Bahadur Sir A. P. PATRO:—“ The local boards and municipalities have got their elected representatives on these Advisory Committees.”

MR. A. CHIDAMBARA NADAR:—“ I want to know whether the local boards are always asked about the location of toddy shops.”

The hon. Rao Bahadur Sir A. P. PATRO:—“ The local boards are always asked to send in representatives to the Advisory Committees.”

MR. A. CHIDAMBARA NADAR:—“ May I have an answer to my question in clause (a) whether the recommendations of the local boards and municipalities are carried out? ”

The hon. Rao Bahadur Sir A. P. PATRO:—“ The answer to clause (a) says that out of 154 cases in which a change of site was recommended in 123 cases the recommendations were accepted by the Government.”

MR. A. CHIDAMBARA NADAR:—“ The answer given is not an answer to my question.

MR. C. V. VENKATARAMANA AYYANGAR:—“ May I know if any recommendations for removing shops were ever accepted? ”

The hon. Rao Bahadur Sir A. P. PATRO:—“ That does not arise.”

MR. R. SRINIVASAN:—“ May I know whether Government received a complaint from the residents of Mirsapat that a toddy shop was removed next to the infectious diseases hospital in Narasampet, Madras, where they were afraid to go for drink and whether that is one way of prohibiting drink? ”

The hon. Rao Bahadur Sir A. P. PATRO:—“ That is one case in which the Advisory Committee had recommended the removal of a shop from a convenient place to a place near the infectious diseases hospital. That

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was the place recommended by the Committee and the authorities had no other alternative than to accept the wholesome recommendation of the Advisory Committee."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" With reference to clause (c), may I know when the Excise Advisory Committee took up the work of examining the question ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" The Advisory Committee sat on last Monday and reviewed the evidence, and a draft report is being prepared."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" When did they begin ? "

Mr. J. A. SALDANHA :—" Clause (a) of this question refers to the recommendations of the local boards and municipalities, but the answer refers to Advisory Committees. What is the answer to the question ? "

Agriculture.

Admission of Tiyya students into the Government Model Agricultural School at Taliparamba.

* 64 Q.—Mr. R. VEERIAN : Will the hon. the Minister for Development be pleased to state with reference to question No. 628 answered at the meeting, dated 10th October 1924, whether it is a fact that the three Tiyya students who applied for admission into the Government Model Agricultural School at Taliparamba were not admitted by the Deputy Director of Agriculture and the headmaster of the school owing to strong caste pollution ?

A.—The Government have no information beyond that given in the answer to question No. 628.

Mr. R. VEERIAN :—" Sir, with reference to the main question, I find that out of 32 applications received 26 Nayers were admitted into the school, but the three applicants who were Tiyyas were not admitted. Therefore, I wish to know whether the Government are going to pull out by the root this hopeless caste pollution, or whether they are going to have these schools solely for the benefit of the people belonging to the orthodox community ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" There is a strong feeling of caste prejudice, and it was represented to the Government that if these three Tiyyas were admitted, the other 26 Nayers would go away. Government thought that in those circumstances it was better to have a school containing 26 Nayers than have a school for three Tiyyas. But if the hon. Member will assure me of an attendance of twenty pupils including Tiyyas, arrangements will be made to start a separate school and a separate hostel."

Mr. A. RAMASWAMI MUDALIYAR :—" May I ask the hon. the Minister for Development whether he would respect the feeling in this House, apart from the feeling of the 26 Nayers, that it is better to have a school training three Tiyyas than 26 Nayers ? (' Hear, hear ')"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" It is open to the hon. Member to have that view and get the approval of Government before they take action."

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Excise.

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(c) whether the Government have taken any steps on the matter?

A.—(a) Out of 154 cases in which change of site was recommended in 1923-24 by Advisory Committees on which these Boards are represented, the recommendation was acted upon in 123 cases.

(b) Yes.

(c) No. The Excise Advisory Committee is examining the question.

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Mr. M. RATNASWAMI :—"Of course, they are not. It is open to the Hindu community as a whole to move the High Court and change the rules so as to admit members of the Tiyya community and other depressed classes into the hostel."

Mr. R. VEERIAN :—"If there is a desire to give benefit to the orthodox community, I do not quarrel with that intention and by all means let them do so. But I want to know if they are not going to respect our sentiments and feelings as well."

UNSTARRED QUESTIONS.

Emigration.

Wages of coolies in the Assam tea estates.

65 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Home Member be pleased to state—

(a) whether the Government have since obtained any reply from the Government of Assam in regard to the wages paid to the coolies, the nature of work they are employed upon, etc., and if they have, whether they will place copies of the correspondence that has passed between them on the table of the House;

(b) whether five annas represents the normal wage in the Assam tea estates for hoeing and pruning an area of 3,500 square feet and whether there are many other estates in which the wages are either above or less than the scale referred to above; and

(c) the scale of wages at which coolies employed in plucking leaves in the Assam tea estates are remunerated?

A.—(a) & (b) The only correspondence which the Government have had with the Government of Assam later than that contained in the papers which were laid on the table of the House on 19th November 1924 has been a telegraphic inquiry made with reference to this question. The reply received is to the effect that normal wages in the tea estates for hoeing cannot be definitely stated as tasks vary with season, locality, soil and depth of cultivation. Roughly, the coolies get from three to five annas for work which may vary from deep hoeing an area of 1,700 square feet to light hoeing an area of 4,300 square feet. Work outside the task work is always available and eight hours' work earns at least eight annas, usually considerably more. Pruning is done in cold weather and paid by the number of bushes pruned—generally the wages are one anna for pruning eight bushes.

(c) One pice per pound for fine plucking and a little less for coarse plucking.

Jails.

The whereabouts of Mr. Nilakanta Brahmachari.

66 Q.—Mr. G. RAMESWARA RAO: Will the hon. the Home Member be pleased to state—

(a) where Nilakanta Brahmachari, who was convicted by the Madras High Court in 1922-23 for some political offence, is now confined;

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(b) whether he was in Rajahmundry jail in the beginning of the year and whether he was removed to Montgomery jail at Lahore;

(c) whether he is now alive at all; and, if so, the present state of his health and his weight;

(d) what is the labour which he is now put on;

(e) whether it is true that he is now dead, and if so, whether the fact was communicated to any of his relatives or friends; and

(f) whether it is a fact that his death was due to ill-treatment in jail as his relatives believe?

A.—The hon. Member is referred to the reply to question No. 43.

Memorial regarding Muslim convicts in jail.

67 Q.—MR. S. SATYAMURTI: Will the hon. the Home Member be pleased to state—

(a) whether he has received any memorial from the Majlisul-Ulamas, Trichinopoly, about Muslim convicts in jail; and

(b) what action the Government propose to take thereon?

A.—(a) Yes.

(b) The memorial has been considered and orders passed and communicated to the memorialists.

Civil Justice.

Pay of copyists in the Judicial Department.

68 Q.—MR. V. HAMID SULTAN MARAKKAYAR: Will the hon. the Law Member be pleased to state—

(a) whether the Government have received memorials from the copyists of the Judicial Department in March 1924 praying that their pay may be fixed on the same scale as that of the lowest grade clerks and that their posts be made pensionable or that they may be permitted to contribute to the Provident fund system as in the case of teachers under private and public management;

(b) whether it is a fact that, on the High Court's recommendation, Government sanctioned revision of pay for the pensionable section of the copyists' section of the Judicial Department from 1st September 1922, the date on which the cost of copy stamps was raised from 2 annas to 3 annas; if the answer be in the affirmative, the reason which led to the subsequent withdrawal of their orders by disallowing the arrears of pay from 1st September 1922 for about nine months;

(c) whether it is a fact that the Government have not yet permitted the actual drawing of the increased pay by these subordinates and, if the answer be in the affirmative, when Government propose to sanction the same and why there has been a long delay in the matter; and

(d) whether the nature of duties performed by the clerks in the Registration Department and those of the copyists in the Judicial Department varies?

A.—(a) No.

(b) Yes; back pay for about nine months was not allowed as final orders in the case were issued only on 29th May 1923.

(c) The Government have already issued orders in the matter.

(d) Yes.

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Retention of the District Court, East Tanjore.

69 Q.—MR. V. HAMID SULTAN MARAKKAYAR: Will the hon. the Law Member be pleased to state—

- (a) whether it is a fact that the Government have extended the period of retention of the District Court, East Tanjore, further by one year;
- (b) whether the Government have not yet satisfied themselves as to the necessity of making East Tanjore District Court a permanent one; and
- (c) whether it is not a fact that the District Judge, West Tanjore, and District Judge, East Tanjore, as well, have recommended the permanent retention of the District Court, East Tanjore, in view of the heavy work in both the Courts?

- A.—(a) The retention of the District Court, East Tanjore, has been sanctioned up to the end of 1925.
- (b) The question as to whether the court should be made permanent has not yet been finally decided by Government.
- (c) The District Judge, East Tanjore, recommended the permanent retention of the court. The District Judge, West Tanjore, did not submit a report on this question though he advised against the abolition of the court.

Official Receivership in Tanjore district.

70 Q.—MR. V. HAMID SULTAN MARAKKAYAR: Will the hon. the Law Member be pleased to state—

- (a) whether there is any proposal to bifurcate the Official Receivership of the Tanjore district and appoint one separately for East Tanjore district; and
- (b) whether the District Judge and the Bar Association have requested Government to sanction the entertainment of a separate Official Receiver for East Tanjore?

- A.—(a) Yes.
- (b) The District Judge has made a recommendation to the High Court for the appointment, but the Government have no information in regard to any representation made by the Bar Association.

Stamp for copies furnished by village panchayat courts.

71 Q.—MR. S. MUTTAYYA MUDALIYAR: Will the hon. the Law Member be pleased to state—

- (a) if the Government are aware that there is difference in practice and opinion as to whether copies furnished by village panchayat courts are to be on plain paper or on stamped paper; and
- (b) whether, to remove doubts, Government will issue instructions to all village panchayat courts that in virtue of the notifications under section 35 of the Court Fees Act, dated 17th October 1921, such copies do not require stamp paper?

- A.—(a) & (b) The Government have no information that there is any doubt on the subject; but they will draw the attention of the officers, etc., concerned to the fact that copies furnished by village panchayat courts are exempt from payment of court-fees.

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Work in the Subordinate Judges' Courts in Godavari district.

72 Q.—Mr. P. PEDDIRAJU : Will the hon. the Law Member be pleased to state—

(a) whether the Government are aware that there is not sufficient work for three Subordinate Judges' Courts in the Godavari district ;

(b) if there are any proposals for the abolition of one of the said three courts, and if so, which court is proposed to be abolished ; and

(c) whether there are any proposals for the bifurcation of civil jurisdiction in the Kistna district along with the bifurcation of the district ; if so, where the district court for the New West Godavari district will be located, either temporarily or permanently ?

A.—(a) No.

(b) The question was considered by the Government in June 1924 and the decision reached was that none of the courts could be abolished. The matter will come under review again.

(c) The question of bifurcating the Kistna district for judicial purposes is under the consideration of the Government.

Disposal of moneys deposited to the credit of decree-holders.

73 Q.—Mr. G. RAMESWARA RAO : Will the hon. the Law Member be pleased to state whether large amounts of minors' properties, realizations from insolvents' estates, and moneys deposited to the credit of decree-holders lie idle without earning any increment ?

A.—The Government have no information. The hon. Member is referred to section 112, Presidency Towns Insolvency Act, 1909.

Process establishment.

74 Q.—Mr. G. RAMESWARA RAO : Will the hon. the Law Member be pleased to state whether the process establishment is being maintained on the principle that it must be self-supporting ?

A.—No such rule has been laid down, but all charges on account of the process-service establishment are debited to the "Process Service Fund".

Elections.

Votes of illiterate voters in the Legislative Council elections.

75 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Law Member be pleased to state whether the Government are aware of the publicity given to the votes of illiterate voters who choose to exercise their franchise in the elections to the Legislative Council, and if so, the steps they propose to take to avoid the same ?

A.—The Government consider that the method now in force for recording the votes of illiterate electors is more satisfactory than others proposed in the past ; they will however be glad to consider any suggestions for improving it.

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Irrigation.*The Purikulam tank in Srivilliputtur taluk.*

76 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Law Member be pleased to state—

(a) at what stage the question of raising the F.T.L., Purikulam tank, Public Works Department, Watrap, Srivilliputtur taluk, is now;

(b) whether any further action was taken after the last interpellation in this Council on 13th October 1924;

(c) whether the work is likely to be executed early in the next official year;

(d) whether it is a fact that ryots in the ayacut of the tank have already purchased foreshore lands for water-spread even so long ago as 1910 and intimated the Collector about it then;

(e) whether it is a fact that some of the ryots executed even indemnity bonds and have registered them;

(f) whether it is a fact that, pending this scheme, even ordinary earth-work or repairs to the bund have not been done for the last ten or fifteen years; and

(g) whether any orders have been issued to the Superintending Engineer, Trichinopoly, and Executive Engineer of the division to commence the work at an early date?

A.—(a) & (b) An estimate for raising the level of Purikulam tank has been prepared and is expected to be sanctioned shortly.

(c) & (g) Funds have not been allotted for this work.

(d) It is understood that the ryots have already purchased the foreshore lands. Government have no information as to the date of purchase.

(e) This is believed to be the case.

(f) It is reported that repairs have been postponed pending execution of the new work.

Alleged scarcity of irrigation water in Poonathangal village.

77 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Law Member and the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that when the Poonathangal eri in Cheyyar taluk, North Arcot district, was abandoned in 1905, thirty pipe-channels were introduced to serve thirty villages;

(b) whether Poonathangal village is the last one to get its supply from this eri and whether in consequence there is scarcity of irrigation water in this village every year;

(c) whether the villagers have been petitioning the District Collector and the Executive Engineer from the year 1906 to 1909 and the Board of Revenue on 19th October 1910;

(d) whether it is a fact that the villagers were promised that the abandoned tank of Poonathangal would be repaired if one-third cost is borne by the villagers and whether the villagers agreed to this; and

(e) when Government propose to repair the eri?

A.—(a) to (d) The Government have no information.

(e) The Government have no such proposal before them.

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Readings at the important river-heads of the Tanjore delta.

78 Q.—MR. C. MARUTHAVANAM PILLAI: Will the hon. the Law Member be pleased to state—

(a) the date or dates on which the major breaches in the Cauvery and Coleroon heads occurred in 1924;

(b) the daily or weekly readings at the important river-heads of the Tanjore delta since the time of the occurrence of the breaches till 1st December 1924; and

(c) the corresponding readings for the previous year?

A.—(a) They occurred on, or within a few days of, the first occurrence of the flood.

(b) & (c) The gauge readings at the Grand Anicut are available and will be supplied to the hon. Member if he desires, but these give no indication of the relative conditions, as in 1924 the Tanjore delta was partly supplied through the old Vennar head which was re-opened for the purpose, and no gauge readings for this discharge are available.

Finance.

Irregularities pointed out in "The Madras Audit Report for 1922-23".

79 Q.—SRIMAN BISWANATH DAS MAHASAYO: Will the hon. the Member for Finance be pleased to state—

(a) whether the sum of Rs. 33,37,000 placed under objection being substantial deviations from rules pointed out in Part I, Section I, of the Madras Audit Report for 1922-23 has now been adjusted; and

(b) if so, what steps are being taken to avoid a recurrence of such irregularities?

A.—(a) The sum of Rs. 33.37 lakhs referred to represents the net expenditure relating to the year 1922-23 placed under objection by the Accountant-General on account of deviations from rules. Most of these objections were cleared before the end of the year 1922-23. The total amount of objections outstanding from that year on 31st July 1923 was 4.05 lakhs and this had been reduced by 31st July 1924 to Rs. 1,000. The Accountant-General has reported that this is made up of 12 items about the clearance of which adequate action is being taken.

(b) The figures show an appreciable improvement from year to year and the Government do not consider any special steps to be necessary.

Famine.

The administration of famine-relief.

80 Q.—MR. G. RAMESWARA RAO: Will the hon. the Member for Finance and the hon. the Member for Revenue be pleased to state—

(a) whether it is not the policy of the Famine administration that the local officers should be in charge of the famine-relief operations;

(b) whether special officers appointed are not to be in charge of office routine leaving the original officer to administer famine-relief; and

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(c) whether the special famine officer appointed in Anantapur was put in charge of the famine-operations and the Collector relieved of his personal responsibilities in the matter?

A.—(a) & (b) Yes as far as practicable.

(c) The hon. Member presumably refers to the appointment of Mr. Wood. This officer, as Sub-Collector had, previously to his appointment as special assistant to the Collector, been in charge of the famine-relief operations in his own division and his appointment as special assistant did not relieve the Collector of his personal responsibility.

Collectorates.

Muhammadan representation in the Ganjam Collectorate.

81 Q.—Mr. MUHAMMAD MOOSA SAIT: Will the hon. the Member for Revenue be pleased to state—

(a) with reference to answer given to question No. 80 (1), (3) and (4), whether the Government will be pleased to call for the information;

(b) with reference to answer given to question No. 80 (6) whether the Government will be pleased to specify the encouragement given so far to the first Muhammadan graduate by the Collector of Ganjam;

(c) whether it is not a fact that no Muhammadan in Ganjam district during the last 45 years rose to the position of a taluk head accountant or taluk sarishtadar or tahsildar;

(d) whether there are any Muhammadans now qualified for the posts; and

(e) why they were not promoted in spite of the fact that no Muhammadan rose to the higher positions in the district?

A.—(a) The information asked for in clause (1) of question No. 80 referred to was given in the answer to that question. The Government do not propose to call for the information asked for in clauses (3) and (4) of that question which cover a period of forty years.

(b) The first Muhammadan graduate referred to was confirmed as Revenue Inspector as soon as he joined service in 1921 and the latest Revenue establishment list of the district corrected up to 1st April 1924 shows that on that date he was doing duty as Special Revenue Inspector on Rs. 60 for railway land acquisition in Ichchapuram taluk.

(c) The Government have no information.

(d) The latest establishment list of the district shows that two Muhammadans are technically qualified for the posts named.

(e) Of the three senior Muhammadans in the district one is a Sub-Magistrate on other duty in the Co-operative department on Rs. 250, another is an unpassed man exempted from the examination rules to hold permanent Revenue Inspector's post in the Agency, while the third is a clerk of barely three years' service.

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List of persons eligible for deputy tahsildar's post.

82 Q.—Mr. S. SATYAMURTI: Will the hon. the Member for Revenue be pleased to state—

- (a) whether it is a fact that Collectors maintain a list of men approved by the Board of Revenue, eligible for the deputy tahsildar's post;
- (b) whether it is a fact that the Board of Revenue has recently (this year) ordered the removal from that list the names of some men included in the previous years on the mere ground that they have passed the age of 45;
- (c) how many of these men are graduates and how many are under-graduates; and
- (d) how many of these men have already acted in the deputy tahsildar's grade and had to revert to their permanent appointments for want of vacancies and not for any misconduct?

A.—(a) Yes.

(b) The Board of Revenue intimated to Collectors in 1921 that it was not prepared to approve the inclusion or retention in the list of men who were too old to be fit for the active duties of a deputy tahsildar. Names are on this ground periodically removed from the list.

(c) The names of seven graduates and seven under-graduates were removed during 1924.

(d) Six.

Irrigation.

Irrigation tanks and rivers in South Kanara.

83 Q.—Mr. J. A. SALDANHA: Will the hon. the Member for Revenue be pleased to refer to his answer No. 586 given on 10th October 1924 and to state—

- (a) the number of irrigation tanks owned by Government or under Government control in South Kanara;
- (b) where they are situated and the approximate area each one of them irrigates;
- (c) whether any irrigation cess is levied in this connexion;
- (d) the number of temporary bunds or embankments constructed on the several rivers by villagers at their own cost and with their own labour for irrigation purposes;
- (e) subject to what conditions and restrictions such bunds are allowed to be constructed; and
- (f) whether there have been any cases in which the District Magistrates or other Magistrates have had to order breaking up of the bunds during the last three years; and if so, under what circumstances and on what grounds?

A.—(a) None.

(b) & (c) Do not arise.

(d), (e) & (f) The temporary dams were constructed by the ryots of certain villages, on the Gurpur and Mulki rivers, about the end of November 1923, for the irrigation of second crop. As the existence of the dams was objected to by the ryots of other villages and by merchants, they were ordered to be removed after personal inspection by the Collector and the Revenue Divisional Officer, Mangalore, respectively.

[4th February 1925]

Land Revenue.*Interest on arrears of kists.*

84 Q.—Mr. S. SATYAMURTI: Will the hon. the Member for Revenue be pleased to state whether interest is being levied on arrears of kists on revenues from February last and, if so, the reasons why?

A.—Under section 7 of Act II of 1864 arrears bear interest from the date on which they fall due.

In practice, however, interest is not generally collected on arrears paid within the fasli, but Collectors may at their discretion enforce payment of interest.

On 16th February 1924 the Collector of Tanjore issued an order for the levy of interest on arrears due in that fasli. The object of the order was the prompt collection of outstandings in that fasli.

The Government is not aware of any other similar order now current.

Defaulters of kist of the last fasli in the Tanjore district.

85 Q.—Mr. V. PANTULU AYYAR: Will the hon. the Member for Revenue be pleased to state—

(a) the number of mirasidars in the district of Tanjore and the total acreage for the entire district in wet lands;

(b) the number of defaulters in the last fasli who did not pay the kist before the end of April;

(c) in how many cases were demand notices served, attachment proceedings taken and movables and immovables sold in auction; and

(d) the corresponding figures asked for in (b) and (c) in respect of the previous fasli?

A.—(a) The Government have no information as to the number of mirasidars in the Tanjore district. The total number of joint and single pattas was 303,134 according to the quinquennial statement appended to the jamabandi report for fasli 1330. The total extent of wet lands in fasli 1332 was 775,328 acres.

(b) & (c) The Government have not yet received the jamabandi report for fasli 1333, which will contain the information asked for. The report, when received, will be placed on the Editors' Table.

(d) The hon. Member is referred to statement No. 12 appended to the jamabandi report for fasli 1332 which was placed on the Editors' Table.

Village Establishments.*Report of the Special Officer on the regrouping of villages.*

86 Q.—Mr. C. GOPALA MENON: Will the hon. the Member for Revenue be pleased to lay on the table of this House—

(a) the report received from M.R.Ry. Diwan Bahadur R. Ramachandra Rao Avargal, Special Officer, appointed by Government to investigate and report on the advisability of cancelling the regrouping of vattams effected in the various districts in this Presidency with the orders passed thereon by Government; and

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(b) in view of the hardships caused to the village officers thrown out of employment by the regrouping of vattams in the various districts whether the hon. Member will be pleased to state when the regrouping will be cancelled and the thrown-out hands restored to their respective posts?

A.—(a) Mr. Ramachandra Rao's report is in the form of an office-note and is not suitable for publication. A summary^a of his recommendations is laid on the table. He did not deal with village establishments in proprietary areas.

(b) The matter is under consideration and will be taken up as soon as practicable.

Local Boards and Municipal Councils.

Toll-gates between Cannanore and Kuppam Katavu.

87 Q.—Rao Sahib P. V. GOPALAN: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that there are no less than three toll-gates and two ferries between Cannanore and Kuppam Katavu on the Cannanore-Payyanur Road via Taliparamba in North Malabar—a distance of 15 miles;

(b) whether two of the toll-gates at Pappinissen and Kuttikal were opened recently and whether these were opened merely to get more revenue;

(c) whether it is a fact that toll is collected at Pappinissen even from poor farmers when they pass daily through the toll with their bullocks to their fields adjoining for ploughing; and

(d) whether the two tolls referred to in clause (b) were opened with the sanction of the Government?

A.—(a) to (c) The Government have no information.

(d) The question does not arise.

The Local Boards Act.

88 Q.—Mr. V. HAMID SULTAN MARAKKAYAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Local Boards Act is to be amended shortly;

(b) whether the rates allowed for railway journeys by president, taluk boards, and vice-president, district boards, are less than those allowed to members; and

(c) if the answer to clause (b) be in the affirmative the special reasons therefor?

A.—(a) The answer is in the affirmative.

(b) The answer is in the negative.

(c) The question does not arise.

Manner of election of members of taluk boards to district boards.

89 Q.—Mr. K. RAGHUCHANDRA BALLAL: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) (i) whether the rules framed under the Local Boards Act of 1920 and revised under G.O. Notification of May 1921 are obligatory on the presidents of taluk boards in the matter of electing members of such boards to the district boards;

^a Printed as Appendix I on pages 259-260 infra.

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(ii) whether presidents of taluk boards are not bound to report fully to the Government or any other authority as to the manner in which such elections are held, while reporting the results ;

(b) (i) whether the Government are aware that on 26th November 1924 the President of the Mangalore Taluk Board held an election to elect two members from the said board to the District Board of South Kanara ;

(ii) whether the Government are aware that the President of the Mangalore Taluk Board contravened rule 7 of the aforesaid rules by supplying, to members who wished to vote, blank slips of paper without printing or typing the names of all taluk board members and asking the members to write out with their hand on the said slips the names of the candidates whom they wished to vote for ;

(c) (i) whether the Government are aware that the said president misread or never read out rule 9 of the said rules to the meeting and misrepresented that candidates for election were not entitled to vote ;

(ii) whether it is not a fact that owing to such misrepresentation of the president the candidates for election never voted at all ;

(d) whether the Government have any objection to ascertain whether such departures have been made by presidents of other taluk boards in the Presidency ; and

(e) in case of any such instances being found, whether the Government have any objection to call the attention of the presidents concerned to the gravity of the matter and to issue a Government Order urging upon a strict observance of such rules ?

A.—(a) (i) The answer is in the affirmative.

(ii) The answer is in the negative.

(b) & (c) The Government have no information. If the rules were contravened in the course of the election, the remedy lies in the presentation of a petition to the Civil Court in accordance with the rules framed by Government in that behalf.

(d) & (e) The Government do not consider that any useful purpose would be served by such an enquiry.

The Dindigul municipality.

90 Q.—Mr. G. RAMESWARA RAO : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the right to elect its chairman was withdrawn from Dindigul municipality and, if so, on what day ;

(b) the total number of the meetings held by the said municipality in 1924 before the said withdrawal of the elective franchise and the total number of meetings which were adjourned without transaction of any business except the two convened on 16th May 1924 and 19th May 1924 ;

(c) whether there were any factions in the said municipal council and if so when they began and when they ended and whether any business was transacted by the council during the factionous period and if so, whether there was anything objectionable or illegal or irregular with regard to the business so transacted ;

(d) whether any councillors behaved scandalously and if so who they were and on what dates they so behaved and what is the particular conduct in each of them which was so characterised by the Government ;

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(e) whether the objectionable behaviour of the councillors was reported to the Government by the chairman, whether any action was taken by the Government against the erring councillors and if so what it was ;

(f) whether they would be pleased to place the chairman's report in the above matter, if any, and the final orders thereon on the table of the House ;

(g) whether the said councillors are still continuing as such or whether they have vacated seats and if so how they vacated ; and

(h) whether the council as constituted on the date of the nomination of a chairman thereto was deemed competent to discharge its functions properly ?

A.—(a) The notification withdrawing the elective privilege was published in the *Fort St. George Gazette* of 11th November 1924.

(b) to (h) The matter having been fully discussed at the meeting of the Legislative Council held on 5th December 1924, the Government see no need to furnish any further information or to lay any papers on the table.

Ground of withdrawal of the right to elect the chairman to the Dindigul Municipal Council.

91 Q.—MR. G. RAMESWARA RAO : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the presentation of an address to Moulana Shaukat Ali by the Municipal Council, Dindigul, was a ground for depriving the council of its right to elect its chairman ;

(b) whether there were any cases of omission or commission in the conduct of the municipal council which showed that the council was incompetent to discharge its duties ; and

(c) whether any steps were taken by the Government to change the constitution of council and if so what they were ?

A.—(a) The answer is in the negative.

(b) & (c) The matter having been fully discussed at the meeting of the Legislative Council held on 5th December 1924, the Government see no need to furnish any further information.

The election of chairman to the Dindigul Municipal Council.

92 Q.—MR. G. RAMESWARA RAO : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether two persons contend that each of them was duly elected Municipal Chairman of Dindigul in May 1924 and whether they were advised by Government on 10th June 1924 to establish their claims in civil court ;

(b) whether, when the matter was sub-judice, the Government nominated a chairman for the municipality before the civil courts finally decided the matter ; and

(c) what are the reasons which necessitated this change in the attitude of the Government between 10th June 1924 and the date of nominating the chairman ?

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4.—(a) & (b) The answer is in the affirmative.

(c) The privilege of electing its chairman had to be withdrawn from the council. The Government had therefore to appoint a chairman.

Local boards and municipalities in which collections were slack.

93 Q.—Mr. G. RAMESWARA RAO : Will the hon. the Minister for Local Self-Government be pleased to state the names of the local boards and the municipalities in which the collections were slack as stated in G.O. No. 2769, L. & M., of 4th October 1924, with the names of the Presidents in each case and whether they were elected or nominated?

A.—The attention of the hon. Member is invited to paragraph 16 of the consolidated audit report of municipalities and local boards for 1922-23 in G.O. No. 2769, L. & M., dated the 4th October 1924, which has been placed on the Editors' Table. It is presumed that the hon. Member wants information about municipal councils as the paragraph quoted above does not relate to local boards. Out of eighty councils only one collected more than 90 per cent of the arrear demand.

Forty-one councils collected less than 90 per cent of the current demand. Details are subjoined—

Number of councils which collected less than 90 per cent but over 85 per cent.	20
Number of councils which collected less than 85 per cent but over 80 per cent.	12
Number of councils which collected less than 80 per cent but over 75 per cent.	2
Number of councils which collected less than 75 per cent but over 70 per cent.	2
Number of councils which collected less than 70 per cent.	5

—
41
—

The percentages of collection to demand in the case of the five councils which collected less than 70 per cent are—

Anantapur	...	...	...	...	61.0 per cent.
Berhampur	...	...	...	...	67.8 "
Salem	...	...	...	...	59.3 "
Tiruvallur	...	...	...	...	53.6 "
Srirangam	...	...	...	...	56.7 "

All the 41 councils except one, the circumstances of which were special, had elected Chairmen. The Government consider that no useful purpose will be served by furnishing particulars as to the names of the Chairmen of the councils which collected less than 90 per cent of their revenues.

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The powers of a district board president to fine his subordinates.

94 Q.—MR. G. RAMESWARA RAO: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the president of a district board has, under the present system, unlimited powers of fining subordinates and effecting recoveries from them;

(b) what is the maximum amount of fine imposed and maximum amount of recovery effected or ordered to be effected within the last four years by any such president in any single case;

(c) whether, under the present system, there is no right of appeal to local board subordinates in such cases; and

(d) whether, the advisability of giving some protection to local board subordinates in this matter has been considered in amending the Local Boards Act?

A.—(a) The powers of a president to fine his subordinates are limited only by section 74 of the Local Boards Act and rule 12 of the Rules for the appointment and punishment of local board servants.

(b) The Government have no information.

(c) The attention of the hon. Member is invited to rule 12 of the Rules for the appointment and punishment of local board servants published on pages 433—435 of Part I-A of the *Fort St. George Gazette*, dated 25th September 1923.

(d) The Government do not consider that any such amendment of the Madras Local Boards Act is necessary.

Acquisition of land for a public market in Edathiruthi, Malabar.

95 Q.—MR. J. A. SALDANHA: Will the hon. the Minister for Local Self-Government be pleased to refer to Government notification No. 979, dated 30th September 1924, published in Part I-A, page 431 of the *Fort St. George Gazette*, dated 30th September 1924, notifying that 'whereas a plot of land measuring 64 cents belonging to one Alappadan Lonnappan in the village of Edathiruthi, Ponnani taluk, Malabar district, is needed for a public purpose, viz., for a public market, notice to that effect is given under section 4 (1) of the Land Acquisition Act, that Government authorizes the Revenue Divisional Officer and his subordinates to exercise the powers under section 4 (2) of the Act', and to inquire and state—

(a) whether the site of the proposed market is closed to the so-called Kattur market in the Cochin State on the opposite bank of the Connolly canal;

(b) the notification alluded to having been issued under section 4 (1) of the Land Acquisition Act, why have Government gone so far as to declare the land 'is needed' for a public purpose instead of saying that it 'is likely to be needed' as required by that section; and

(c) whether representations have been made by the Vicar, Raikars and Parishioners of the Edathiruthi church and by the Chaplain of the nuns of the convent protesting against the selection of the site?

A.—(a) From a petition received from the Rev. Mother and Sisters of the St. Ann's Convent at Edathiruthi, it would appear that the fact is as stated.

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(ii) whether presidents of taluk boards are not bound to report fully to the Government or any other authority as to the manner in which such elections are held, while reporting the results ;

(b) (i) whether the Government are aware that on 26th November 1924 the President of the Mangalore Taluk Board held an election to elect two members from the said board to the District Board of South Kanara ;

(ii) whether the Government are aware that the President of the Mangalore Taluk Board contravened rule 7 of the aforesaid rules by supplying, to members who wished to vote, blank slips of paper without printing or typing the names of all taluk board members and asking the members to write out with their hand on the said slips the names of the candidates whom they wished to vote for ;

(c) (i) whether the Government are aware that the said president misread or never read out rule 9 of the said rules to the meeting and misrepresented that candidates for election were not entitled to vote ;

(ii) whether it is not a fact that owing to such misrepresentation of the president the candidates for election never voted at all ;

(d) whether the Government have any objection to ascertain whether such departures have been made by presidents of other taluk boards in the Presidency ; and

(e) in case of any such instances being found, whether the Government have any objection to call the attention of the presidents concerned to the gravity of the matter and to issue a Government Order urging upon a strict observance of such rules ?

A.—(a) (i) The answer is in the affirmative.

(ii) The answer is in the negative.

(b) & (c) The Government have no information. If the rules were contravened in the course of the election, the remedy lies in the presentation of a petition to the Civil Court in accordance with the rules framed by Government in that behalf.

(d) & (e) The Government do not consider that any useful purpose would be served by such an enquiry.

The Dindigul municipality.

90 Q.—Mr. G. RAMESWARA RAO : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the right to elect its chairman was withdrawn from Dindigul municipality and, if so, on what day ;

(b) the total number of the meetings held by the said municipality in 1924 before the said withdrawal of the elective franchise and the total number of meetings which were adjourned without transaction of any business except the two convened on 16th May 1924 and 19th May 1924 ;

(c) whether there were any factions in the said municipal council and if so when they began and when they ended and whether any business was transacted by the council during the factionous period and if so, whether there was anything objectionable or illegal or irregular with regard to the business so transacted ;

(d) whether any councillors behaved scandalously and if so who they were and on what dates they so behaved and what is the particular conduct in each of them which was so characterised by the Government ;

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Education.

Admission into the Teachers' College, Saidapet.

98 Q.—MR. V. HAMID SULTAN MARAKKAYAR: Will the hon. the Minister for Education be pleased to state—

- (a) whether it is a fact that there is not sufficient accommodation in the Teachers' College, Saidapet, for affording professional training to graduates and men of higher qualifications;
- (b) whether it is a fact that many are being refused admission;
- (c) whether persons who have had not much experience in educational institutions are selected in preference to persons who have had a large experience;
- (d) the principle on which selections are made; and
- (e) if the answer to question (a) be in the affirmative, what steps the Government propose to take to remedy the same?

A.—(a) & (e) There is accommodation for about 100 students for training for the L.T. degree and this is the maximum number that can properly be trained in any one year in a single institution. The construction of a science and mathematics block to provide for additional admissions in Science and Mathematics in place of an equal number of admissions for training in literary subjects is under consideration.

(b) Yes.

(c) No.

(d) The principles on which selections are made are laid down on page 24 of the Calendar of the Teachers' College, Saidapet.

Proposals for expansion of the Vizagapatam Engineering School.

99 Q.—MR. P. PEDDIRAJU: Will the hon. the Minister for Education be pleased to state whether there are any proposals for expanding the Vizagapatam Engineering School into a fully equipped Engineering College; if so, when the proposals are likely to be given effect to?

A.—The answer to the first part of the question is in the negative. The second part does not arise.

Excise.

Location and number of liquor shops in the jurisdiction of local bodies.

100 Q.—MR. C. GOPALA MENON: Will the hon. the Minister for Education be pleased to state—

- (a) whether it is a fact that a circular letter was sent by the President of the Madras Temperance League to local bodies and municipalities requesting them to adopt a few draft resolutions relating to the question of location and number of liquor shops situated within their jurisdiction;
- (b) whether it is a fact that a large number of local bodies and municipalities have either partially or wholly adopted the draft resolutions;
- (c) how many of these bodies have communicated their views to the Government; what action they propose to take on them; and
- (d) whether the Government will be pleased to lay on the table the names of the local bodies and municipalities which have complied with the request of the Temperance League?

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A.—(a) & (b) Yes.

(c) Twenty-two have adopted the resolutions and communicated their views to Government. The Excise Committee has still to consider the evidence and other proposals before it. No final decision has therefore been taken.

(d) Local Boards.

District Board.—Cuddapah.

Taluk Boards.—Tanjore, Vriddhachalam, Ernad, Narsapur, Tuticorin, Tiratturaipundi, Dharmapuri, Gobichettipalayam, Bhimavaram, Saidapet, Tiruvannamalai and Tirukkoyilur.

Municipal Councils.—Cocanada, Tirupur, Tadpatri, Proddattur, Gudiyattam, Vaniyambadi, Corjeevaram, Periyakulam and Nellore.

Inquiry regarding reduction in the use of intoxicants.

101 Q.—MR. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Education be pleased to state—

(a) whether the Excise Advisory Committee has completed its inquiry regarding the reduction in the use of intoxicants in the Presidency;

(b) whether it has published its report on the question, and if the report has not yet been received or published, when it is likely to be received and published;

(c) whether the record of inquiry and evidence taken will be placed on the table of the House; and

(d) if the Committee has sent its report, what its recommendations are and whether the Government have accepted or propose to accept any or all of its recommendations?

A.—(a) Yes.

(b) No. The Committee has still to consider the evidence recorded and other proposals before drafting a report. It will meet shortly for this purpose.

(c) The question of publication will be considered when the enquiry and report are completed.

(d) Does not arise.

Co-operation.

Assistant Registrars of Co-operative Societies recruited from the Revenue Department.

102 Q.—MR. MUHAMMAD MOOSA SAIT: Will the hon. the Minister for Development be pleased to state—

(a) the number of men recruited from the Revenue Department as Assistant Registrars and Registrars of Co-operative Societies excluding the permanent Deputy Collectors;

(b) of these how many are qualified for the Deputy Collectors' posts;

(c) whether they are all taken in the cadre of the non-Deputy Collector Assistant Registrars;

(d) if so, why an invidious distinction in grade was made; and

(e) whether the Government intend retaining them in the department as Deputy Registrars in view of the fact that they have put in considerable services in the Revenue Department?

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- A.—(a) There are now three officers of the Revenue Department below the grade of Deputy Collector who have been appointed Assistant Registrars.
- (b) One.
- (c) There is no distinct cadre recognized 'as non-Deputy Collector Assistant Registrars'.
- (d) No invidious distinction in grade is made. All Assistant Registrars who are not permanent or acting Deputy Collectors are paid Rs. 250 per mensem.
- (e) The Government have not yet considered the question.

Muhammadan Deputy Collector Assistant Registrars of Co-operative Societies.

103 Q.—MR. MUHAMMAD MOOSA SAIT: With reference to answer given on 21st August 1924 to question No. 325, will the hon. the Minister for Development be pleased to state why no steps were taken to recruit any other qualified Muhammadan as a Deputy Collector Assistant Registrar of Co-operative Societies, when the one recruited did not continue to work?

A.—The hon. Member is referred to the answer given to question No. 1549 in December 1924.

The position of the District Central Co-operative Banks.

104 Q.—MR. G. RAMESWARA RAO: Will the hon. the Minister for Development be pleased to state—

- (a) whether it is the policy of the Government to develop the District Central Co-operative Banks to the position of the branches of the Imperial Bank and do all the transactions of the Government through the former; and
- (b) what steps have been taken or proposed to be taken to achieve the end?

A.—(a) No.

(b) Does not arise.

II

MOTION FOR ADJOURNMENT OF THE BUSINESS OF THE HOUSE TO
DISCUSS THE HINDU RELIGIOUS ENDOWMENTS ACT.

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

Rai Bahadur T. M. NARASIMHACHARLU:—"Sir, I beg to ask leave to make a motion for adjournment of the business of the Council for the purpose of discussing a definite matter of urgent matter of public importance before the list of business for the day is entered upon to-day, arising out of the situation created by the assent being given in a half-hearted way to the Hindu Religious Endowments Act, 1925, by His Excellency the Governor-General, to wit, that no part of the Act shall be brought into force or put into operation anywhere in this Presidency until the said Act is considered by His Majesty in Council under section 82 of the Government of India Act and unless and until it is amended in a manner indicated by His Excellency the Governor-General and otherwise so as to rid it of all its objectionable features."

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* The hon. the PRESIDENT :—“ I have to be satisfied that the matter proposed to be discussed is in order. First of all I should like to know if the hon. Member has not received any communication from the Secretary.”

Rai Bahadur T. M. NARASIMHACHARLU :—“ I was going to say that, Sir. I received a communication from the Secretary yesterday that in consequence of a motion having been tabled by the hon. Member Mr. Sami Venkatachalam Chetti which appears as No. 25 among the balloted motions, in consequence of that you were pleased to indicate to me that my motion will not be in order as it would anticipate another motion notice of which has been previously given. May I submit, Sir, that, long before Mr. Sami Venkatachalam Chetti sent notice to you, I had sent my notice to you on this matter? Secondly, I find, Sir, in the agenda, non-official motions are not put down for discussion. The agenda circulated to us yesterday continues also for to-day. Thirdly, it may be that Mr. Sami Venkatachalam Chetti's motion may not at all come up. Because it stands as the last but three in the agenda of non-official business and only two days are allowed for the discussion of non-official business. Lastly, from the way in which the Act is sought to be enforced, from the way in which the recruitment of the Commissioners is sought to be made, there is a good deal of alarm raised in the minds of the public. So, I have on these grounds to request that you will be pleased to revise your opinion and allow the motion to come up.”

* The hon. the PRESIDENT :—“ I understand that the hon. Member rests his claim to have this matter considered first of all on the fact that he gave the Secretary notice long before the hon. Member Mr. Sami Venkatachalam Chetti gave notice. But the hon. Member's notice dates only from the moment when he mentioned it to-day after question-time. We have had some trouble over such notices given in anticipation of actual motions and it seems to me best for us to act on the notice as one given at this moment. But the other point, viz., that it does not anticipate a resolution which is likely to come on for discussion in the present meeting, is one to be considered. I quite admit that there is no chance of that resolution coming on at this meeting. In that case the hon. Member would have a right to have his motion considered. It is generally understood that this objection of anticipation has to be worked with reference to the probabilities of anticipation. Mr. Sami Venkatachalam Chetti's motion stands third from the end and two days have been set apart at this meeting for the discussion of non-official business including resolutions.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ May I just have information whether notice of motion includes notice of resolution or it is only a notice of adjournment? If that is so, it is not a question of anticipation at all. It may be with respect to any motion of which notice has been given irrespective of the fact of its coming up.”

* The hon. the PRESIDENT :—“ In practice the rule is not meant to operate in cases where the anticipated motion has a very remote chance. I think there is something in what the hon. Member from Cuddapah says and if he would mention it to-morrow morning I will give a ruling. I would like to know whether the hon. Member agrees to wait till to-morrow morning.”

MOTION FOR ADJOURNMENT OF THE BUSINESS OF THE HOUSE TO DISCUSS 229
THE HINDU RELIGIOUS ENDOWMENTS ACT

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* Mr. T. R. VENKATARAMA SASTRIYAR :—" There is yet another objection to it apart from the one mentioned by you, Sir. I do not know if it is the desire of the House that that objection should be mentioned now or to-morrow."

The hon. the PRESIDENT :—" The Council would like to hear it now."

* Mr. T. R. VENKATARAMA SASTRIYAR :—" The Governor-General has given his assent to the Bill. That having been done, there is no power reserved to anybody to say that particular steps should not be taken or should be postponed to any future date until something else happens. Therefore, this motion, that is, a recommendation that steps be not taken until the Act is considered by His Majesty in Council, is not one that could be acted upon by anybody, the Governor or the Governor-General. Whether, in these circumstances the motion could be made, is a matter for your consideration."

Rai Bahadur T. M. NARASIMHACHARLU :—" It is always open to the Government to commence a particular statute whenever they like. They may stop for some time without actually bringing it into force. As that position is always open to the Government, my request is that this Council recommends to the Government not to begin the bringing of the Act into force for some time. I only want the discretion of the Government to be exercised in favour of postponing it."

Mr. S. SATYAMURTI :—" May I say one word, Sir? I do agree with my hon. Friend that there is no power on earth except the Secretary of State to suspend the operation of the Act after it becomes law. But the Act which has become law casts certain duties and obligations upon various persons. One of the first duties to be performed by the Government before this Act can come into practical operation is the appointment of the President and commissioners of the Board. Now, Sir, the Government have taken some time—I do not know how long, it may be weeks—since the Act came into force. So far as we know, they have not appointed either the President or the commissioners and it seems to me it is perfectly open to the Government to say that they will not appoint these commissioners and the President until the signification of the pleasure of His Majesty is communicated. I see no objection in law to the postponement of these appointments. I think the motion is perfectly in order."

* The hon. the RAJA of PANAGAL :—" May I say, Sir, that the appointment has already been made?"

* Mr. T. R. VENKATARAMA SASTRIYAR :—" It will be a dereliction of duty on the part of those directed to give effect to the enactment that has come into force, to delay it any longer than is humanly necessary. Strictly speaking, on the date the Act comes into force, the machinery by which it has to be given effect to must be ready. I know that some time has been taken and that some time is necessary. But merely because some acts have to be done and they take some time, you cannot ask those on whom duties are cast by the enactment to stay their hands until such time as His Majesty can signify his assent, for which two years is fixed. If within the period of two years, His Majesty is moved to refuse his assent to the Bill

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and to declare that the Bill shall have no legal effect, then of course the whole enactment ceases to have effect."

*The hon. the PRESIDENT:—"It must be obvious to hon. Members that in the circumstances explained by the Advocate-General and the hon. the Minister for Local Self-Government the terms of the notice have to be varied; they will not exactly be the same as those of which the hon. Member gave notice this morning. So he would also benefit by being able to renew the notice to-morrow morning."

Mr. S. SATYAMURTI:—"May I ask the hon. Minister for Local Self-Government to say who the president is that has been appointed?"

The hon. the RAJA OF PANAGAL:—"Sir, Sadasiva Ayyar."

Rai Bahadur T. M. NARASIMHACHARLU:—"Am I to renew my notice to-morrow or modify it. . ."

*The hon. the PRESIDENT:—"I thought that the hon. Member understood that he would have another opportunity of giving notice to-morrow, and I have no doubt that in the circumstances explained by the hon. Members on the Government side he would modify the terms of his notice."

III
COMMUNICATIONS TO THE COUNCIL.

With reference to the answers given to question No. 926 at the meeting of the Legislative Council held on the 18th October 1924, the Secretary laid on the table a statements showing the number of persons imprisoned, deported or otherwise dealt with in connexion with the Agency fituri.

IV
DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1924-25.

Grant XXX.

The hon. Rao Bahadur Sir A. P. PATRO:—"Sir, I beg to move:

'That the Government be granted an additional sum of Rs. 30,000 under "41. Civil Works—Transferred for expenditure on constructing a temporary roadway across the Coleroon at Trichinopoly, the amount being met from the reserve provision of Rs. 6,95,700 under 47. Miscellaneous—Miscellaneous and Unforeseen charges—Grant XXXV.

"Sir, the motion which I have submitted for the consideration of the House will, I have no doubt, be acceptable to all Members, for the necessity for building up a roadway across the Coleroon was repeatedly urged in this House. The masonry bridge at Trichinopoly collapsed during the abnormal floods in July 1924. Pending construction of a permanent bridge across the river a temporary roadway is urgently required for trade purposes. The Collector wrote that immediate steps might be taken for the construction of a temporary bridge for the use of the public. He added that the Sappers and Miners had much greater experience than the Public Works Department officers in this kind of bridge construction and it might be possible to get it carried out by the Military department. Reference was made to the

* Printed as Appendix II on page 260 infra.

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Military department, and that department forwarded Major Hamilton's report regarding the possibility of a temporary bridge over the Coleroon at Trichinopoly. The Chief Engineer has considered the recommendations made by the Superintending Engineer, Trichinopoly Circle, and the District Board Engineer. With reference to the District Board Engineer's suggestion to make a roadway bridge, the President, District Board, replied that a bridge over the Coleroon is wanted more in the hot season than in the season of floods and it was very difficult to cross the river owing to the inordinate heat of the sand. After careful consideration, the Chief Engineer recommended that a roadway may be made for six months in the year from January to June, 18 feet wide and 6 inches thick, and that the bricks from the debris of the old bridge can be used for the purpose. For the reasons given by the Collector, and as suggested by Major Hamilton, a party of Sappers and Miners was requisitioned for putting a roadway. - Rupees 30,000 will be required for the first year and Rs. 50,000 for the next year. The cost will be more in subsequent years because it will be necessary to make a roadway in a more substantial manner. The construction of a new bridge over the river is not likely to take more than two years if materials are collected. In the above circumstances, it is proposed to make a provision of Rs. 30,000 for 1924-25 and Rs. 50,000 for 1925-26 under Civil Works. I therefore request the House to vote this grant."

Mr. A. RAMASWAMI MUDALIYAR :—" Mr. President, as a Member of the Finance Committee I gave my assent to this grant with very great reluctance. My reasons are these. It seems to me, Sir, that it is an extraordinary proposal to spend over a lakh of rupees in putting up a pavement on the bed of a river only for the hot season which will be washed off during the rainy season. There are several other places suffering from want of causeways or bridges. Spending such a large sum on this roadway is quite unnecessary. But my hon. Friend from the district of Trichinopoly persuaded me that it was really a difficult matter for people to cross the river during the hot months and the bridge was quite necessary. Now I want to suggest to the hon. the Minister one or two difficulties which struck me in connexion with this question. This temporary road is going to be put up after the floods have disappeared. Probably it will take a month or six weeks to put up this road, and it is going to be used for a few months and then the whole thing is to be washed off. Is the hon. the Minister satisfied that the work will be carried properly and economically? Is the hon. the Minister satisfied that proper supervision will be exercised over the conduct of this work, that the amount voted for by this Legislative Council will be properly spent? Is he also satisfied that the necessary scrutiny will be made by the Engineering department? Secondly, how is this going to be worked? The hon. the Minister just now said that it was a point which was not placed before the Finance Committee. I understand that it is going to be worked out departmentally. But, from the statement of the hon. the Minister, I find that Sappers and Miners have been imported from Bangalore and they have been asked to do the work. Is that the policy of the Government? What sort of inspection are they going to have over this work? How is the quantum of work to be judged?"

"Then again, Sir, there is another point which seems to me to be very necessary to consider in this connexion. The hon. the Minister said that Rs. 30,000 would be wanted for this year and Rs. 50,000 next year. That

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will carry us for a period of two years, or rather, a period of $1\frac{1}{2}$ years; for I believe most of this demand will be spent before March 1925 and the other Rs. 50,000 will also be spent before March 1926. That is to say, within fifteen months Rs. 80,000 is going to be spent. The hon. the Minister said that it is expected that the bridge will be ready in two years. Even granting that the bridge will be ready and that his prophecy will be correct—the prophecy of the Engineering department is a thing in which I have no belief—even granting that, I do think that the hon. the Minister will have to come up again for another Rs. 50,000 for 1927. So that my Friend from Trichinopoly may take consolation in the fact that this Legislative Council is so generous as to allow them Rs. 1,30,000 for a temporary pathway which will be nowhere at the end of March 1927.

“ Now, has the hon. the Minister made any attempt to ascertain that this bridge will come into existence within a period of two years? I believe that it is in connexion with this bridge that some tenders have been invited; and I take it that the only course where you can guarantee that the work is done in time is to do it not departmentally but through efficient contractors. I want to be assured by the hon. the Minister that this big work is given over on contract. I want also to ask the hon. the Minister whether he is prepared to consider or recommend those tenders from the Chief Engineer? Under the Code, the Chief Engineer is empowered to accept tenders. The House is aware that recently in connexion with the Coimbatore water-supply a great many questions were asked on the floor of this House. The hon. the Minister had to reply that all this was accepted by the Chief Engineer and he was not in a position to give any satisfactory answers. In view of that I do suggest to the hon. the Minister that before the head of the department accepts the tenders, whatever the powers of that department may be under the Public Works Code, it will be proper—if he is to discharge his responsibility to this House and not again to be faced by a host of questions on this subject—for him to see that his approval or the approval of the Government is given before any tender is accepted by the Public Works Department. I raise this question because this is the only stage in which I can raise it. As I said it was with very great reluctance that I gave my consent to this. I do think that that spending Rs. 1,30,000 or possibly a couple of lakhs, because I venture to prophesy that we are not going to see the bridge before March 1926, however much it may suit the convenience of the urban residents of Trichinopoly and Srirangam, is a subject which this Council cannot vote with equanimity. And I do venture to think that the hon. the Minister will bear these circumstances in his mind and see these points are enforced as early as possible.”

The hon. Rao Bahadur Sir A. P. PATRO :—“ As regards the first point raised by the hon. Member from Chingleput I may say at 12-30 p.m. once that the Public Works Department are very active in the matter and they have taken all possible care in putting up the causeway. They have got the assistance of the Military department. It is on the basis of the report of the Military officer that the work was carried out. The work was begun on 1st September 1924, and the House will be glad to know that the pathway is now open to traffic. It was expected that the work would require Rs. 30,000, but I have now received a report from the Superintending Engineer, Mr. Mullings, who personally supervised the whole work, that it has cost only Rs. 20,000. Therefore the House will see that the Public

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Works Department has been paying attention both to economy and efficiency. As regards the question whether in future this work would cost more, I must say that the Government have resolved to give the work on the lump sum contract system. Therefore it will be entirely under the supervision of the Superintending Engineer and the Executive Engineer on the spot to carry out the work as expeditiously as possible. There is no reason to suspect that in future years this demand will be in excess of the present demand. Every possible care is taken by the Superintending Engineer because no other officer is allowed to supervise the work carried out by the Military department. He has given details of the way in which the work is carried out. Therefore I can assure the House that the work is carried out satisfactorily. I am sure the hon. Member from Chingleput will be glad to see that the work being now complete very great impetus has been given to commerce and trade in that locality. Though it is only a temporary causeway it is very useful to the people of that locality. As I read out an extract from a letter of the President, District Board, Trichinopoly, he says it is most necessary during summer though in floods it will be washed away. It is absolutely necessary under the circumstances till we put up a permanent bridge. The circumstances are such that a causeway has to be constructed every year."

Diwan Bahadur M. KRISHNAN NAYAR :—"From the statement of the hon. the Minister it is clear that the work is complete and that it has cost only Rs. 20,000. That being so, I want to know why the hon. the Minister wants Rs. 30,000 for a work which has been completed with Rs. 20,000."

The hon. Rao Bahadur Sir A. P. PATRO :—"The Superintending Engineer has reported that Rs. 20,000 has been paid up to date to the Sappers and Miners. There may be other minor things necessary to complete the causeway."

Mr. K. KOTI REDDI :—"I am sorry that there is no dissentient voice from the parts of the Presidency which are favoured more by the sun than by the rain. Sir, it might be that to spend a sum of more than a lakh of rupees to construct a temporary causeway might serve the traffic of that place, but I think it is a sheer waste of public money to spend such a large amount on a temporary causeway. Sir, we people from the Ceded districts have been complaining for years past to have some grants from the Government to put up not temporary but permanent causeways costing less than a lakh of rupees, and the answer has been that the Government was not in a position to grant that sum. The river Pennar is perhaps four or five times broader than the Coleroon."

Rao Bahadur T. M. NARASIMHACHARLU :—"It is one mile and 4½ furlongs broad."

Mr. K. KOTI REDDI :—"Perhaps it is because the Trichinopoly people are accustomed to have such conveniences that the Government is so liberal towards them. I do not grudge them that convenience, but should not the Government pay some attention to and not neglect people who have not been accustomed to such conveniences? I therefore oppose the demand on this ground that such a large amount of public money ought not to be wasted on a temporary causeway for the benefit of the people of a particular locality."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, this is the most fitting opportunity which we can take for eliciting from the hon. the Minister a statement of the policy underlying these grants. I am not opposing

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this grant. I think it is our duty to help the construction of causeways whether it is in our district or in another. Still, we request that the Government may lay down a policy for the purpose of enabling other districts also to have such causeways. That is what we want to consider. It will be remembered that some years ago the Government issued a circular to the various local boards asking them to send up proposals for the construction of culverts and bridges within a radius of 100 miles from the City of Madras. For all the first class or trunk roads the Government are bearing the maintenance charges and contributing not less than Rs. 500 per mile according to the expenditure incurred on them. The Government received a few replies to their circular. Various district boards employed a special staff for the purpose and had investigations carried on. They sent up estimates to the Government from time to time. When His Excellency Lord Willingdon visited some of the districts His Excellency was pleased to give the sympathetic reply that the 100 miles radius should be extended to 110 miles. All that took place some years ago. We have not yet heard what the Government have done. Time after time representations have been made and money spent on investigations. Notwithstanding that, the Government have maintained perfect silence. They have not even the courtesy to say whether or not there is any chance of any further help being given in the direction of the construction of culverts and bridges within a radius of 100 miles from the City of Madras. I wish to have a statement of policy from the hon. the Minister before we are called upon to vote this demand. I wish to impress upon the Government the mistake of solving this question piecemeal and not as part of a definite policy. I wish them to lay down a clear policy for the guidance of all concerned. I would like to know whether the Government have, after sending out the circular referred to by me, come to a different conclusion. Almost all of the district boards sent up proposals in reply to the Government circular. I request the hon. the Minister to tell us whether any reply was given in regard to their proposals. I wish the hon. the Minister to tell us whether he proposes to do anything in the direction before he calls upon us to give our vote to this grant."

* Rao Bahadur C. NATESA MUDALIYAR :—"I associate myself with my hon. Friend, Mr. Krishna Rao, in asking Government to lay down a policy in regard to this matter. Because, within 100 miles from Madras there are many rivers in the Chingleput district without a causeway. We have often petitioned to the Government and to the district board about the want of causeways, but nothing has come out of it. Of course the Government cannot understand the difficulties the people are experiencing in times of flood when passing from one village to another and sometimes from the railway station to their homes. I hope the Government will lay down a policy and see that the difficulties I have mentioned are redressed in the Chingleput district."

* The hon. Rao Bahadur Sir A. P. PATRO :—"Sir, with regard to the correspondence with the district boards about the 100 miles radius and with regard to the necessity to lay down a policy in relation to trunk roads, the Public Works Department has absolutely no concern. If information was called for, I am sure the Local Self-Government Department will be able to supply it and when funds are available the matter will be taken up for consideration. There is no use of laying down any principle or policy with regard to this particular matter. This is an emergent work—the question of

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flood damages. This has nothing whatever to do with what the hon. Member from Chingleput was saying. He complained that in his district certain work was not executed and he said that in the matter of the trunk roads a policy should be laid down. I am afraid I cannot assure him of any policy on this occasion because the whole matter has been dealt with as an emergency measure. There is one other thing I have to say while on this matter. I do not see if this principle is accepted why only districts within a radius of 100 miles should be dealt with? All districts have a right to expect their grievances to be redressed."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I am afraid the hon. the Minister has not understood my point. I only said that since culverts, etc., within a radius of 100 miles of the city of Madras have already been proposed to be constructed, they might be dealt with first."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"If I remember right, the Government asked all district boards to prepare estimates for the construction of bridges and culverts on all trunk roads and the Coimbatore District Board submitted its estimate. I do not know if the Government have committed themselves to construct the culverts, etc., within a radius of 100 miles from the city of Madras at any time. If they have done so, it will evoke protests from the district boards which will be affected thereby."

The hon. Rao Bahadur Sir A. P. PATRO:—"I am glad the hon. Member from Coimbatore has answered the hon. Member from Nellore. It is not a matter concerning the culverts, etc., within a radius of 100 miles only from the city of Madras. It is a matter affecting the whole province and has to be examined by the Local Self-Government Department in regard to trunk roads over which at present the Public Works Department have not much control. Therefore, I am not able to lay down any policy or make a statement with regard to the points raised by the hon. Member from Nellore. So far as this grant is concerned it is for the repair of damages caused by floods."

MR. T. M. NARAYANASWAMI PILLAI:—"Mr. President, Sir, I came from Trichinopoly and it is my duty to protect the interests of the people of that place. The hon. Member from Chingleput began by saying that the cost was too great though he was at the end satisfied with the necessity for the work. He was anxious that some more scrutiny must be had in respect of the execution of the work. We have no doubt to be grateful to the Members of the Finance Committee as well as to the Members of this House for their generosity in making this grant. But I request them not to praise that generosity too much. It is a work which is of vital necessity to the people of Trichinopoly. Hon. Members of this House cannot adequately appreciate the difficulties which we are put to on account of the collapse of this bridge. It would be seen therefore that this work is a vital necessity to our people and the cost whether Rs. 20,000 or Rs. 30,000, cannot be considered very great. My hon. Friend Mr. Koti Reddi said that we should not have a

12-46 p.m. causeway across the Coleroon because there is no causeway across the Pennar. I am not one of those persons who are against the construction of any causeways. I do not know how my hon. Friend brings to bear the absence of a causeway across the river Pennar upon the question of constructing a causeway across the river Coleroon. Trichinopoly is situated at the southern end of the Cauvery, having three-fourths of the town towards the other side of the river Coleroon.

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Trichinopoly is in that way affected by the absence of a causeway across the river Coleroon. Without a bridge it is impossible for the people of Trichinopoly to carry on their traffic.

"One of the difficulties pointed out against resettlement of the Trichinopoly district was that it did not have a proper communication, and the collapse of the bridge was a great obstruction in that way. If the causeway is restored, Government would be recouping their loss of revenue to a very great degree. In this connexion may I ask what is the amount of revenue which the Government are getting from Trichinopoly district; and, comparing the revenue which is derived from this district with that which is obtained from other districts, is it not fair that the district which contributes more should also derive more benefit than a district which contributes less?"

Mr. B. MUNISWAMI NAYUDU :—"If a place like Cuddapah should not ask for a permanent causeway, I do not know how a grant for the construction of a causeway across the river Coleroon can be sanctioned. I think the amount spent will be a mere waste to the Government."

Mr. T. M. NARAYANASWAMI PILLAI :—"I am at a loss to understand how this expenditure will be a waste to the Government. If, on account of the construction of this causeway, the Government were to gain something by way of taxation, how would it be a waste of money? I submit, Sir, it is not waste of money. As already mentioned, it's a question of necessity. Sir, there is a gate at the head of the river Coleroon which is earning Rs. 40,000 through the district board. There will be no difficulty for that gate being taken over by the Government, and thus the cost of constructing this causeway can be recouped by the income derived from that gate."

* The hon. the RAJA OF PANAGAL :—"My hon. Friend wants to deprive the poor district board of this income."

Mr. T. M. NARAYANASWAMI PILLAI :—"I only submit that Members of this House should realize that the construction of this causeway is a matter of vital necessity. We must have a causeway till there is a permanent bridge. Of course, I am anxious that every scrutiny should be made by the Public Works Department in this direction, and I am thankful to the Public Works Department officers for the rapid manner in which they executed this work and opened it before the 1st January. I am sure it will not be more than Rs. 50,000 for the next year, and I hope hon. Members will be generous in giving their vote for this sum until we have a permanent bridge."

Mr. S. ARPUDASWAMI UDAYAR :—"Some of the hon. Members seem to think that the money, if spent, as my hon. Friend Mr. Munuswami Nayudu said, is a sheer waste. I may assure hon. Members of this House that there is not any likelihood of the causeway being washed away wholly or partially unless we happen to have floods in an unprecedented scale as we had last year. Secondly, the causeway is an absolute necessity for reasons already given, and there is no fear of money being wasted."

Rai Bahadur T. M. NARASIMHACHARLU :—"I cannot understand why the hon. the Minister for Education is moving this grant. It is a matter which relates to roads, and therefore the hon. the Minister for Local Self-Government should move this grant."

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The hon. Rao Bahadur Sir A. P. PATRO :—" The answer is simple. The matter relates to Public Works and I therefore move it."

The demand was put and carried and the grant was made.

Grant XXXIV.

The hon. Rao Bahadur Sir A. P. PATRO :—" I beg to move :

' That the Government be granted an additional sum of Rs. 4,300 under " 46. Stationery and Printing "—Transferred, towards the cost of preparation of certain registers required in connexion with a scheme for the improvement of indexes in the Registration Department, the amount being met from the provision under " 9. Registration—Grant VI ".'

" The amount is intended to be met by reappropriation. There have been a large number of applications for search of encumbrance certificates. During the last ten years, from 1914-1923, the increase is from 20,108 to 75,657. This enormous increase for general search and encumbrance certificates necessitates an alteration of the index register. Now there are twelve registers maintained in the Registration Department. Some of these registers relate to revenue survey numbers of the village and others relate to information contained in other registers. In order to get the information required by the applicants for filling up encumbrance certificates, about nine registers have to be referred to now. The change is intended to alter the form of the register in such a manner as to simplify the work into four registers, and the forms are also so adjusted that at a glance it can be seen whether a particular survey number has undergone any encumbrance or permanent alienation. By a perusal of the index number you can at once note down the various changes with regard to a particular survey number. It is proposed therefore that these index registers should be altered and supply each village with these registers containing transactions for about 30 years. The total cost of this scheme will come to Rs. 1,00,000 for a period of 25 years, while the cost of the existing index will have amounted to Rs. 2,30,000. Therefore a saving will be effected by this new scheme, not to speak of the relief that will be given to the staff by the simplification of the procedure. This amount is required to have proper forms printed and supply them to the various sub-registration offices in the Presidency. If we find the scheme to be successful, we shall carry it on on a larger scale. It is to take more advantage of the practice of registry that we want this new form and for this purpose we want this grant."

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I know whether the fees that are collected from the public for search and encumbrance certificates will be reduced ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" That is a matter which will be considered after working for a number of years."

Mr. A. RANGANATHA MUDALIYAR :—" This is a matter pertaining to some extent to the record or the registry of rights."

The hon. Rao Bahadur Sir A. P. PATRO :—" I may at once say that this has nothing to do with the problem of the record of rights."

Mr. A. RANGANATHA MUDALIYAR :—" Has the Revenue Department given its opinion in regard to this matter ? "

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The hon. Rao Bahadur Sir A. P. PATRO:—"I submit indexing has nothing to do with the Revenue Department, and the file has been perused by the Revenue Department."

The demand was put and carried and the grant was made.

Grant XXXVI.

* The hon. Sir ARTHUR KNAPP:—"I beg to move :

'That the Government be granted an additional sum of Rs. 1,24,186 under "Agency Tract". This amount will be met by reappropriation from the reserve provision under grant XXXV.'

"I may first explain briefly that the grant is required in order to enable two taluk boards in the Vizagapatam Agency district and Polavaram District Board to wipe off their existing deficits and make a fresh start. The matter is a little complicated, but the Finance Committee itself has examined the grant and passed it. I may explain the figures in this way : there are three sums, viz., Rs. 76,000, 54,000 and 43,000, making a total of Rs. 1,74,000, which I am now asking the House to approve. But we have already been able to allot Rs. 42,000 by re-appropriation from savings effected, of which Rs. 8,000 will be repaid to Government, on account of medical establishment lent to the boards, and therefore the Government require only Rs. 1,24,186 to meet the proposed expenditure. In order that hon. Members of this House may be able to understand the position I must place certain details before them. The boards concerned are two taluk boards, namely the Koraput and the Parvatipur Taluk Board in Vizagapatam and the Polavaram District Board. The boards came into existence after the abolition of the Agency Division. Prior to that there were four Agency taluk boards. As hon. Members of this House are aware, the revenue derived from the Agency by the taluk boards and the district board is very small indeed and their finances have never been in a very satisfactory condition. The two taluk boards together have a deficit of Rs. 55,000, but I am not asking the Council to meet this deficit as the Vizagapatam Agency

District Board have arranged to finance the taluk boards to that extent by postponing some other work. There is only one concession that I am asking for in the case of Vizagapatam and that is that we should write off a sum of Rs. 49,000 which they owe Government for work done for them by the Public Works Department. We promised in 1921 that we would give them grants-in-aid to meet the bills presented to them on this account, thus adopting a rather circuitous procedure for giving the loan of services of the Public Works Department free of cost to the boards. If we now carry out this promise that will wipe off their deficit and place them in a position of financial equilibrium and enable them to start afresh. The point that I should like to put to the Council—I am sure the Council will agree with me—is that it is fair and reasonable to give the taluk boards a fresh start. We are very anxious to see that in future all the boards of the Agency tracts are kept in a position of financial stability, but it is very difficult to ensure this so long as they start burdened with huge deficits which they partly inherit from other boards and for which they are not, from that point of view, entirely responsible.

"A similar concession to the extent of Rs. 5,400 must be made to the Polavaram District Board. They owe Government that sum for work done

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by the Public Works Department. The suggestion is that it should be written off. The sanction of the Council is necessary as the money is to go from one department to another. In other respects the position of the Polavaram District Board is a less favourable than that of the taluk boards in Vizagapatam. Their deficit amounts to Rs. 76,000, which includes Rs. 8,000 for salaries not paid from the 1st January 1924."

Diwan Bahadur M. KRISHNAN NAYAR :—" Were these officers working after 1st January 1924 ?"

The hon. Sir ARTHUR KNAPP :—" I am afraid that that must be the position. My hon. Colleague reminds me that they have been given special permission to overdraw for the purpose. According to strict canons of financial propriety these taluk boards were not entitled to draw the money.

" There is next a demand for Rs. 43,826 against the Polavaram District Board which they are unable to pay. That demand arises from a wrong adjustment in the accounts made when the Agency Division was established. Certain money which ought to have been debited to the Polavaram District Board has been debited to the Vizagapatam District Board. The mistake was admitted by the Accountant-General and the Polavaram District Board has been asked to pay back the money. The Polavaram District Board has spent the money. I now propose that this debt should be written off, in other words that Government should pay the sum to the Vizagapatam Agency District Board against whom the debt was wrongly set up. Thus, we have the following :—

Rupees 76,220, the existing deficit of the Polavaram District Board ; Rupees 54,624, the amount which represents the work done by the Public Works Department for these boards and against which, as I have already mentioned, Government in 1921 promised a grant-in-aid ; and Rupees 43,826 which is the amount the Polavaram District Board is now asked to repay, the sum having been wrongly placed to their credit by mistake.

" I have already explained that a certain sum has already been reappropriated from other items that are available in the Agency budget. A sum of Rs. 1,24,186 is required in order to start these local boards with a clean sheet. I may remind the House that while these Agency district boards are in some respects not on the same footing as other district boards, nevertheless as the other boards had similar benefactions from the Government to enable them to wipe off their deficits it is only proper that the Agency district boards should be treated on the same terms. What the position is to be in the future it is not possible for me to say at the present moment. That is a matter which will come up in the budget. We are taking it up and we hope to arrive at some understanding which will enable these boards to carry on without deficits. I am not suggesting that their resources will be sufficient to meet all their needs. But there must be a definite understanding which will prevent deficits or overdrawal. The proper time to discuss this matter of the future of these boards is when the budget is presented to the House. All that I am anxious now to do is to make this arrangement for this financial year and to tell the boards that they will never again be allowed to overdraw. The Council will probably recognize that this is the most suitable way of dealing with the question as it exists."

* Diwan Bahadur M. KRISHNAN NAYAR :—" What is the provision under Grant XXXV ?"

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* The hon. Mr. R. A. GRAHAM :—“ It is an amount that was placed in reserve with the Government for certain specific purposes last year. It was mainly for the purpose of repairing damages by cyclone as we could not estimate the actual sum that would be needed at that time. It has not all been used for that purpose.”

* Diwan Bahadur M. KRISHNAN NAYAR :—“ What will be the amount unspent ? ”

* The hon. Mr. R. A. GRAHAM :—“ There is now practically nothing left.”

* Diwan Bahadur M. KRISHNAN NAYAR :—“ After this grant is made ? ”

* The hon. Mr. R. A. GRAHAM :—“ Yes, including the amount utilized for this purpose.”

* Diwan Bahadur M. KRISHNAN NAYAR :—“ May I know whether there will be any sum left after this grant is made ? ”

* The hon. Sir ARTHUR KNAPP :—“ There will be a few thousand rupees after this grant is made.”

The motion was put to the House and carried ; the grant was made.

V

THE MADRAS CIVIL COURTS BILL—cont.

* The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Mr. President, Sir, after what took place yesterday in the Council, and after the speeches that were made, I have had the advantage of consulting a few hon. Members of this House and of considering the position. I take it that the main objection that is formulated in regard to the consolidating and amending Bill is that by adopting that procedure I am, so to say, committing this House to a new measure of a particular shape or texture and that, though not directly, yet indirectly I am making it more difficult for the House later on to decide the questions that are sought to be raised and discussed with reference to section 7 of the original Act, viz., the powers of the High Court in respect of appointments. Let me at once repeat the remark with which I prefaced my observations, viz., that my sole object in coming forward before this Council is for the purpose of enabling provisions to be made such as have been made or sought to be made in clauses 4, 5 and 14 of the Bill, clause 4 enabling the posting of additional subordinate judges and munsifs to courts where there may arise the necessity to post such judges without the correlative or corresponding necessity of establishing temporary courts there, thus making considerable saving in the matter of building rent, establishment and so forth. The figures that have been worked out show that so far as this year is concerned, there will be a saving of Rs. 1,15,000. The economy will be on a progressive scale as we go on and as the system is further applied. It seems to me that we may as well face that question. I am perfectly willing, should the general sense of the House desire that particular method to be adopted, to go forward with the Bill for the purpose of achieving these two or three specific ends, viz., of enabling Government firstly to appoint additional judges to subordinate courts and district munsifs' courts. Clause 5 carries out this idea. Secondly clause 14 deals with the question of giving small cause powers to the courts. I am willing to confine myself to three clauses, viz., clauses 4, 5 and 14. If we are thus to deal with the question, and if that meets with the general approval of

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the House, I can at once proceed to do so and at the same time deal with the technicalities which may arise. It may be put to me that the Select Committee has considered the whole Bill and has come out with a consolidating enactment and that I cannot make it an amending enactment. It seems to me that this is only a matter of technicalities. If the House is of opinion that it does not want to discuss the question of the High Court and its jurisdiction and its powers here and now, the easiest way of dealing with it is to treat this as an amending Bill and not a consolidating and amending Bill and deal with each appropriate section by giving up those other sections which have been dealt with in the Select Committee. I do not want to dilate upon the procedure. Thus in effect we may deal with clauses 4, 5 and 14 which embrace the points on which I desire to concentrate. I am putting forward that proposition and making that plea as I do not want it to be said that I am forcing the hands of the Council on a larger question of policy, directly or indirectly or by implication. If that course is accepted of dealing with these particular clauses with the amendments that have been suggested in regard to them, we may finish the Bill before the day is out.

“If, on the other hand, the House would rather have the whole Bill gone through, it is for the Council to decide. So far as I am concerned, speaking on behalf of the Government, I am perfectly willing to deal with the matter and apply the remedy just to the extent to which the remedy is actually called for. Moreover, the reason why a consolidating form was adopted was this. There have been a series of amendments to this Act from 1873 onwards, and now that there is an opportunity, it was thought that we might consolidate all these together and have a new Act so to say beginning afresh. But if that does not commend itself to the House, the other course is open to them. I would therefore, Sir, with your leave, invite discussion so that we might arrive at a decision. It is that aspect that I want to put forward before the House.”

Mr. A. RAMASWAMI MUDALIYAR:—“Mr. President, Sir, the hon. the Law Member was good enough to suggest to me that he would invite discussion on this particular matter just a short time back. Now, Sir, let me at once explain the difficulties that I feel in this matter. As I said yesterday, as it was a consolidating and amending measure, we thought it our duty to press very strongly on the attention of this House particular amendments relating to the divesting of the High Court of its powers with reference to the appointment of district munsifs and the vesting of such powers in the Local Government. The difficulties placed in our way were pointed out to us with reference to the *ultra vires* nature of our amendments. In view of the suggestion made by the hon. the Law Member now, those difficulties may temporarily be got over, that is to say, if this measure is not to be regarded as a consolidating measure and if the amendments are to be restricted to those particular provisions of the Act which are necessary to be amended in view of the conferring of powers on the temporary courts, etc., the other question does not arise. Apart from the question of *ultra vires*, with regard to the powers of High Court over appointments, I would request the Government to state whether they have made up their minds on this question. The hon. the Law Member is aware that the particular question I have referred

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to, namely divesting the power of the appointment of munsifs from the High Court, has been before the House for some years. And certainly it has been in a very acute form before the hon. the Law Member ever since we went into the Select Committee on the Madras Civil Courts Bill. I find that practically every one of the Members has agreed to it, except my friend, the hon. and learned Member for the University, who goes to the other extreme of divesting the power of the Local Government with reference to the appointment of sub-judges and vesting that power in the High Court. Practically every Member of the Select Committee has been of opinion that some change is required in section 7 of the Madras Civil Courts Act."

Rai Bahadur T. M. NARASIMHACHARIU :—" May I say, Sir, that there are also others who agree with the hon. Member for the University ? "

Mr. C. V. VENKATARAMANA AYYANGAR :—" And some others also, though not on the Select Committee. "

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" May I make a correction, Sir ? I was also on the Select Committee. The point was brought forward, but a ruling was given by the Government of India against it, and it was not considered at all. Though the question was brought up, objection was taken, and it was not considered at all. "

* The hon. Mr. C. P. RAMASWAMI AYYAR :—" The matter came up for decision before me as the Chairman of the Select Committee. I had to give a ruling as to whether the discussion could proceed on the basis of certain amendments, and I gave a particular ruling. And thereupon the very question was raised by some hon. Members as to whether they would be at liberty to put forward their contentions by way of minutes of dissent, and it was agreed, I think, that any substantial suggestions in a sense contrary to that ruling should be and ought to be put forward in minutes of dissent, so that those questions might be raised at the proper time and in the proper manner. "

Mr. A. RAMASWAMI MUDALIYAR :—" I am very thankful to the hon. Members for these interruptions. But the point I was arguing was this : that this particular question of the appointment of district munsifs was specifically and acutely before the hon. the Law Member ever since the Select Committee first met and that he was made aware of the fact that there was some feeling in certain sections of the House that this question ought to be considered. But that question could not be considered in the Select Committee because the Chairman ruled it *ultra vires*, and I am threatened with the same ruling now because the overwhelming legal opinion of the hon. the Advocate-General and the Government of India seems to be against it. But what I want to ask the hon. the Law Member is this. Knowing that there was a strong feeling in this House, or at least in certain sections of it, is the hon. the Law Member in a position to say at present that this Government have considered this question and, if so, what the recommendation which the Government are prepared to make is ? Yesterday, for instance, a suggestion was thrown out that this may be agitated in the Legislative Assembly and that a private Member may introduce a Bill in that House. I want to know—the hon. the Law Member may not give an answer—what are the prospects of a private Member making that demand in the Assembly. The hon. the Law Member knows very much more thoroughly than myself that immediately a Bill of that nature is given notice of in the Assembly, the Government of India are bound to refer it to the Local

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and to declare that the Bill shall have no legal effect, then of course the whole enactment ceases to have effect."

*The hon. the PRESIDENT:—"It must be obvious to hon. Members that in the circumstances explained by the Advocate-General and the hon. the Minister for Local Self-Government the terms of the notice have to be varied; they will not exactly be the same as those of which the hon. Member gave notice this morning. So he would also benefit by being able to renew the notice to-morrow morning."

Mr. S. SATYAMURTI:—"May I ask the hon. Minister for Local Self-Government to say who the president is that has been appointed?"

The hon. the RAJA OF PANAGAL:—"Sir, Sadasiva Ayyar."

Rai Bahadur T. M. NARASIMHACHARLU:—"Am I to renew my notice to-morrow or modify it. . ."

*The hon. the PRESIDENT:—"I thought that the hon. Member understood that he would have another opportunity of giving notice to-morrow, and I have no doubt that in the circumstances explained by the hon. Members on the Government side he would modify the terms of his notice."

III
COMMUNICATIONS TO THE COUNCIL.

With reference to the answers given to question No. 926 at the meeting of the Legislative Council held on the 18th October 1924, the Secretary laid on the table a statements showing the number of persons imprisoned, deported or otherwise dealt with in connexion with the Agency fituri.

IV
DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1924-25.

Grant XXX.

The hon. Rao Bahadur Sir A. P. PATRO:—"Sir, I beg to move:

'That the Government be granted an additional sum of Rs. 30,000 under "41. Civil Works—Transferred for expenditure on constructing a temporary roadway across the Coleroon at Trichinopoly, the amount being met from the reserve provision of Rs. 6,95,700 under 47. Miscellaneous—Miscellaneous and Unforeseen charges—Grant XXXV.

"Sir, the motion which I have submitted for the consideration of the House will, I have no doubt, be acceptable to all Members, for the necessity for building up a roadway across the Coleroon was repeatedly urged in this House. The masonry bridge at Trichinopoly collapsed during the abnormal floods in July 1924. Pending construction of a permanent bridge across the river a temporary roadway is urgently required for trade purposes. The Collector wrote that immediate steps might be taken for the construction of a temporary bridge for the use of the public. He added that the Sappers and Miners had much greater experience than the Public Works Department officers in this kind of bridge construction and it might be possible to get it carried out by the Military department. Reference was made to the

* Printed as Appendix II on page 260 infra.

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Military department, and that department forwarded Major Hamilton's report regarding the possibility of a temporary bridge over the Coleroon at Trichinopoly. The Chief Engineer has considered the recommendations made by the Superintending Engineer, Trichinopoly Circle, and the District Board Engineer. With reference to the District Board Engineer's suggestion to make a roadway bridge, the President, District Board, replied that a bridge over the Coleroon is wanted more in the hot season than in the season of floods and it was very difficult to cross the river owing to the inordinate heat of the sand. After careful consideration, the Chief Engineer recommended that a roadway may be made for six months in the year from January to June, 18 feet wide and 6 inches thick, and that the bricks from the debris of the old bridge can be used for the purpose. For the reasons given by the Collector, and as suggested by Major Hamilton, a party of Sappers and Miners was requisitioned for putting a roadway. - Rupees 30,000 will be required for the first year and Rs. 50,000 for the next year. The cost will be more in subsequent years because it will be necessary to make a roadway in a more substantial manner. The construction of a new bridge over the river is not likely to take more than two years if materials are collected. In the above circumstances, it is proposed to make a provision of Rs. 30,000 for 1924-25 and Rs. 50,000 for 1925-26 under Civil Works. I therefore request the House to vote this grant."

Mr. A. RAMASWAMI MUDALIYAR :—" Mr. President, as a Member of the Finance Committee I gave my assent to this grant with very great reluctance. My reasons are these. It seems to me, Sir, that it is an extraordinary proposal to spend over a lakh of rupees in putting up a pavement on the bed of a river only for the hot season which will be washed off during the rainy season. There are several other places suffering from want of causeways or bridges. Spending such a large sum on this roadway is quite unnecessary. But my hon. Friend from the district of Trichinopoly persuaded me that it was really a difficult matter for people to cross the river during the hot months and the bridge was quite necessary. Now I want to suggest to the hon. the Minister one or two difficulties which struck me in connexion with this question. This temporary road is going to be put up after the floods have disappeared. Probably it will take a month or six weeks to put up this road, and it is going to be used for a few months and then the whole thing is to be washed off. Is the hon. the Minister satisfied that the work will be carried properly and economically? Is the hon. the Minister satisfied that proper supervision will be exercised over the conduct of this work, that the amount voted for by this Legislative Council will be properly spent? Is he also satisfied that the necessary scrutiny will be made by the Engineering department? Secondly, how is this going to be worked? The hon. the Minister just now said that it was a point which was not placed before the Finance Committee. I understand that it is going to be worked out departmentally. But, from the statement of the hon. the Minister, I find that Sappers and Miners have been imported from Bangalore and they have been asked to do the work. Is that the policy of the Government? What sort of inspection are they going to have over this work? How is the quantum of work to be judged?"

"Then again, Sir, there is another point which seems to me to be very necessary to consider in this connexion. The hon. the Minister said that Rs. 30,000 would be wanted for this year and Rs. 50,000 next year. That

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will carry us for a period of two years, or rather, a period of $1\frac{1}{2}$ years; for I believe most of this demand will be spent before March 1925 and the other Rs. 50,000 will also be spent before March 1926. That is to say, within fifteen months Rs. 80,000 is going to be spent. The hon. the Minister said that it is expected that the bridge will be ready in two years. Even granting that the bridge will be ready and that his prophecy will be correct—the prophecy of the Engineering department is a thing in which I have no belief—even granting that, I do think that the hon. the Minister will have to come up again for another Rs. 50,000 for 1927. So that my Friend from Trichinopoly may take consolation in the fact that this Legislative Council is so generous as to allow them Rs. 1,30,000 for a temporary pathway which will be nowhere at the end of March 1927.

“ Now, has the hon. the Minister made any attempt to ascertain that this bridge will come into existence within a period of two years? I believe that it is in connexion with this bridge that some tenders have been invited; and I take it that the only course where you can guarantee that the work is done in time is to do it not departmentally but through efficient contractors. I want to be assured by the hon. the Minister that this big work is given over on contract. I want also to ask the hon. the Minister whether he is prepared to consider or recommend those tenders from the Chief Engineer? Under the Code, the Chief Engineer is empowered to accept tenders. The House is aware that recently in connexion with the Coimbatore water-supply a great many questions were asked on the floor of this House. The hon. the Minister had to reply that all this was accepted by the Chief Engineer and he was not in a position to give any satisfactory answers. In view of that I do suggest to the hon. the Minister that before the head of the department accepts the tenders, whatever the powers of that department may be under the Public Works Code, it will be proper—if he is to discharge his responsibility to this House and not again to be faced by a host of questions on this subject—for him to see that his approval or the approval of the Government is given before any tender is accepted by the Public Works Department. I raise this question because this is the only stage in which I can raise it. As I said it was with very great reluctance that I gave my consent to this. I do think that that spending Rs. 1,30,000 or possibly a couple of lakhs, because I venture to prophesy that we are not going to see the bridge before March 1926, however much it may suit the convenience of the urban residents of Trichinopoly and Srirangam, is a subject which this Council cannot vote with equanimity. And I do venture to think that the hon. the Minister will bear these circumstances in his mind and see these points are enforced as early as possible.”

The hon. Rao Bahadur Sir A. P. PATRO :—“ As regards the first point raised by the hon. Member from Chingleput I may say at 12-30 p.m. once that the Public Works Department are very active in the matter and they have taken all possible care in putting up the causeway. They have got the assistance of the Military department. It is on the basis of the report of the Military officer that the work was carried out. The work was begun on 1st September 1924, and the House will be glad to know that the pathway is now open to traffic. It was expected that the work would require Rs. 30,000, but I have now received a report from the Superintending Engineer, Mr. Mullings, who personally supervised the whole work, that it has cost only Rs. 20,000. Therefore the House will see that the Public

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Works Department has been paying attention both to economy and efficiency. As regards the question whether in future this work would cost more, I must say that the Government have resolved to give the work on the lump sum contract system. Therefore it will be entirely under the supervision of the Superintending Engineer and the Executive Engineer on the spot to carry out the work as expeditiously as possible. There is no reason to suspect that in future years this demand will be in excess of the present demand. Every possible care is taken by the Superintending Engineer because no other officer is allowed to supervise the work carried out by the Military department. He has given details of the way in which the work is carried out. Therefore I can assure the House that the work is carried out satisfactorily. I am sure the hon. Member from Chingleput will be glad to see that the work being now complete very great impetus has been given to commerce and trade in that locality. Though it is only a temporary causeway it is very useful to the people of that locality. As I read out an extract from a letter of the President, District Board, Trichinopoly, he says it is most necessary during summer though in floods it will be washed away. It is absolutely necessary under the circumstances till we put up a permanent bridge. The circumstances are such that a causeway has to be constructed every year."

Diwan Bahadur M. KRISHNAN NAYAR :—"From the statement of the hon. the Minister it is clear that the work is complete and that it has cost only Rs. 20,000. That being so, I want to know why the hon. the Minister wants Rs. 30,000 for a work which has been completed with Rs. 20,000."

The hon. Rao Bahadur Sir A. P. PATRO :—"The Superintending Engineer has reported that Rs. 20,000 has been paid up to date to the Sappers and Miners. There may be other minor things necessary to complete the causeway."

Mr. K. KOTI REDDI :—"I am sorry that there is no dissentient voice from the parts of the Presidency which are favoured more by the sun than by the rain. Sir, it might be that to spend a sum of more than a lakh of rupees to construct a temporary causeway might serve the traffic of that place, but I think it is a sheer waste of public money to spend such a large amount on a temporary causeway. Sir, we people from the Ceded districts have been complaining for years past to have some grants from the Government to put up not temporary but permanent causeways costing less than a lakh of rupees, and the answer has been that the Government was not in a position to grant that sum. The river Pennar is perhaps four or five times broader than the Coleroon."

Rao Bahadur T. M. NARASIMHACHARLU :—"It is one mile and 4½ furlongs broad."

Mr. K. KOTI REDDI :—"Perhaps it is because the Trichinopoly people are accustomed to have such conveniences that the Government is so liberal towards them. I do not grudge them that convenience, but should not the Government pay some attention to and not neglect people who have not been accustomed to such conveniences? I therefore oppose the demand on this ground that such a large amount of public money ought not to be wasted on a temporary causeway for the benefit of the people of a particular locality."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, this is the most fitting opportunity which we can take for eliciting from the hon. the Minister a statement of the policy underlying these grants. I am not opposing

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this grant. I think it is our duty to help the construction of causeways whether it is in our district or in another. Still, we request that the Government may lay down a policy for the purpose of enabling other districts also to have such causeways. That is what we want to consider. It will be remembered that some years ago the Government issued a circular to the various local boards asking them to send up proposals for the construction of culverts and bridges within a radius of 100 miles from the City of Madras. For all the first class or trunk roads the Government are bearing the maintenance charges and contributing not less than Rs. 500 per mile according to the expenditure incurred on them. The Government received a few replies to their circular. Various district boards employed a special staff for the purpose and had investigations carried on. They sent up estimates to the Government from time to time. When His Excellency Lord Willingdon visited some of the districts His Excellency was pleased to give the sympathetic reply that the 100 miles radius should be extended to 110 miles. All that took place some years ago. We have not yet heard what the Government have done. Time after time representations have been made and money spent on investigations. Notwithstanding that, the Government have maintained perfect silence. They have not even the courtesy to say whether or not there is any chance of any further help being given in the direction of the construction of culverts and bridges within a radius of 100 miles from the City of Madras. I wish to have a statement of policy from the hon. the Minister before we are called upon to vote this demand. I wish to impress upon the Government the mistake of solving this question piecemeal and not as part of a definite policy. I wish them to lay down a clear policy for the guidance of all concerned. I would like to know whether the Government have, after sending out the circular referred to by me, come to a different conclusion. Almost all of the district boards sent up proposals in reply to the Government circular. I request the hon. the Minister to tell us whether any reply was given in regard to their proposals. I wish the hon. the Minister to tell us whether he proposes to do anything in the direction before he calls upon us to give our vote to this grant."

* Rao Bahadur C. NATESA MUDALIYAR :—"I associate myself with my hon. Friend, Mr. Krishna Rao, in asking Government to lay down a policy in regard to this matter. Because, within 100 miles from Madras there are many rivers in the Chingleput district without a causeway. We have often petitioned to the Government and to the district board about the want of causeways, but nothing has come out of it. Of course the Government cannot understand the difficulties the people are experiencing in times of flood when passing from one village to another and sometimes from the railway station to their homes. I hope the Government will lay down a policy and see that the difficulties I have mentioned are redressed in the Chingleput district."

* The hon. Rao Bahadur Sir A. P. PATRO :—"Sir, with regard to the correspondence with the district boards about the 100 miles radius and with regard to the necessity to lay down a policy in relation to trunk roads, the Public Works Department have absolutely no concern. If information was called for, I am sure the Local Self-Government Department will be able to supply it and when funds are available the matter will be taken up for consideration. There is no use of laying down any principle or policy with regard to this particular matter. This is an emergent work—the question of

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flood damages. This has nothing whatever to do with what the hon. Member from Chingleput was saying. He complained that in his district certain work was not executed and he said that in the matter of the trunk roads a policy should be laid down. I am afraid I cannot assure him of any policy on this occasion because the whole matter has been dealt with as an emergency measure. There is one other thing I have to say while on this matter. I do not see if this principle is accepted why only districts within a radius of 100 miles should be dealt with? All districts have a right to expect their grievances to be redressed."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I am afraid the hon. the Minister has not understood my point. I only said that since culverts, etc., within a radius of 100 miles of the city of Madras have already been proposed to be constructed, they might be dealt with first."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"If I remember right, the Government asked all district boards to prepare estimates for the construction of bridges and culverts on all trunk roads and the Coimbatore District Board submitted its estimate. I do not know if the Government have committed themselves to construct the culverts, etc., within a radius of 100 miles from the city of Madras at any time. If they have done so, it will evoke protests from the district boards which will be affected thereby."

The hon. Rao Bahadur Sir A. P. PATRO:—"I am glad the hon. Member from Coimbatore has answered the hon. Member from Nellore. It is not a matter concerning the culverts, etc., within a radius of 100 miles only from the city of Madras. It is a matter affecting the whole province and has to be examined by the Local Self-Government Department in regard to trunk roads over which at present the Public Works Department have not much control. Therefore, I am not able to lay down any policy or make a statement with regard to the points raised by the hon. Member from Nellore. So far as this grant is concerned it is for the repair of damages caused by floods."

MR. T. M. NARAYANASWAMI PILLAI:—"Mr. President, Sir, I came from Trichinopoly and it is my duty to protect the interests of the people of that place. The hon. Member from Chingleput began by saying that the cost was too great though he was at the end satisfied with the necessity for the work. He was anxious that some more scrutiny must be had in respect of the execution of the work. We have no doubt to be grateful to the Members of the Finance Committee as well as to the Members of this House for their generosity in making this grant. But I request them not to praise that generosity too much. It is a work which is of vital necessity to the people of Trichinopoly. Hon. Members of this House cannot adequately appreciate the difficulties which we are put to on account of the collapse of this bridge. It would be seen therefore that this work is a vital necessity to our people and the cost whether Rs. 20,000 or Rs. 30,000, cannot be considered very great. My hon. Friend Mr. Koti Reddi said that we should not have a

12-46 p.m. causeway across the Coleroon because there is no causeway across the Pennar. I am not one of those persons who are against the construction of any causeways. I do not know how my hon. Friend brings to bear the absence of a causeway across the river Pennar upon the question of constructing a causeway across the river Coleroon. Trichinopoly is situated at the southern end of the Cauvery, having three-fourths of the town towards the other side of the river Coleroon.

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Trichinopoly is in that way affected by the absence of a causeway across the river Coleroon. Without a bridge it is impossible for the people of Trichinopoly to carry on their traffic.

"One of the difficulties pointed out against resettlement of the Trichinopoly district was that it did not have a proper communication, and the collapse of the bridge was a great obstruction in that way. If the causeway is restored, Government would be recouping their loss of revenue to a very great degree. In this connexion may I ask what is the amount of revenue which the Government are getting from Trichinopoly district; and, comparing the revenue which is derived from this district with that which is obtained from other districts, is it not fair that the district which contributes more should also derive more benefit than a district which contributes less?"

Mr. B. MUNISWAMI NAYUDU :—"If a place like Cuddapah should not ask for a permanent causeway, I do not know how a grant for the construction of a causeway across the river Coleroon can be sanctioned. I think the amount spent will be a mere waste to the Government."

Mr. T. M. NARAYANASWAMI PILLAI :—"I am at a loss to understand how this expenditure will be a waste to the Government. If, on account of the construction of this causeway, the Government were to gain something by way of taxation, how would it be a waste of money? I submit, Sir, it is not waste of money. As already mentioned, it's a question of necessity. Sir, there is a gate at the head of the river Coleroon which is earning Rs. 40,000 through the district board. There will be no difficulty for that gate being taken over by the Government, and thus the cost of constructing this causeway can be recouped by the income derived from that gate."

* The hon. the RAJA OF PANAGAL :—"My hon. Friend wants to deprive the poor district board of this income."

Mr. T. M. NARAYANASWAMI PILLAI :—"I only submit that Members of this House should realize that the construction of this causeway is a matter of vital necessity. We must have a causeway till there is a permanent bridge. Of course, I am anxious that every scrutiny should be made by the Public Works Department in this direction, and I am thankful to the Public Works Department officers for the rapid manner in which they executed this work and opened it before the 1st January. I am sure it will not be more than Rs. 50,000 for the next year, and I hope hon. Members will be generous in giving their vote for this sum until we have a permanent bridge."

Mr. S. ARPUDASWAMI UDAYAR :—"Some of the hon. Members seem to think that the money, if spent, as my hon. Friend Mr. Munuswami Nayudu said, is a sheer waste. I may assure hon. Members of this House that there is not any likelihood of the causeway being washed away wholly or partially unless we happen to have floods in an unprecedented scale as we had last year. Secondly, the causeway is an absolute necessity for reasons already given, and there is no fear of money being wasted."

Rai Bahadur T. M. NARASIMHACHARLU :—"I cannot understand why the hon. the Minister for Education is moving this grant. It is a matter which relates to roads, and therefore the hon. the Minister for Local Self-Government should move this grant."

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The hon. Rao Bahadur Sir A. P. PATRO :—" The answer is simple. The matter relates to Public Works and I therefore move it."

The demand was put and carried and the grant was made.

Grant XXXIV.

The hon. Rao Bahadur Sir A. P. PATRO :—" I beg to move :

' That the Government be granted an additional sum of Rs. 4,300 under " 46. Stationery and Printing "—Transferred, towards the cost of preparation of certain registers required in connexion with a scheme for the improvement of indexes in the Registration Department, the amount being met from the provision under " 9. Registration—Grant VI ".'

" The amount is intended to be met by reappropriation. There have been a large number of applications for search of encumbrance certificates. During the last ten years, from 1914-1923, the increase is from 20,108 to 75,657. This enormous increase for general search and encumbrance certificates necessitates an alteration of the index register. Now there are twelve registers maintained in the Registration Department. Some of these registers relate to revenue survey numbers of the village and others relate to information contained in other registers. In order to get the information required by the applicants for filling up encumbrance certificates, about nine registers have to be referred to now. The change is intended to alter the form of the register in such a manner as to simplify the work into four registers, and the forms are also so adjusted that at a glance it can be seen whether a particular survey number has undergone any encumbrance or permanent alienation. By a perusal of the index number you can at once note down the various changes with regard to a particular survey number. It is proposed therefore that these index registers should be altered and supply each village with these registers containing transactions for about 30 years. The total cost of this scheme will come to Rs. 1,00,000 for a period of 25 years, while the cost of the existing index will have amounted to Rs. 2,30,000. Therefore a saving will be effected by this new scheme, not to speak of the relief that will be given to the staff by the simplification of the procedure. This amount is required to have proper forms printed and supply them to the various sub-registration offices in the Presidency. If we find the scheme to be successful, we shall carry it on on a larger scale. It is to take more advantage of the practice of registry that we want this new form and for this purpose we want this grant."

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I know whether the fees that are collected from the public for search and encumbrance certificates will be reduced ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" That is a matter which will be considered after working for a number of years."

Mr. A. RANGANATHA MUDALIYAR :—" This is a matter pertaining to some extent to the record or the registry of rights."

The hon. Rao Bahadur Sir A. P. PATRO :—" I may at once say that this has nothing to do with the problem of the record of rights."

Mr. A. RANGANATHA MUDALIYAR :—" Has the Revenue Department given its opinion in regard to this matter ? "

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The hon. Rao Bahadur Sir A. P. PATRO:—"I submit indexing has nothing to do with the Revenue Department, and the file has been perused by the Revenue Department."

The demand was put and carried and the grant was made.

Grant XXXVI.

* The hon. Sir ARTHUR KNAPP:—"I beg to move :

'That the Government be granted an additional sum of Rs. 1,24,186 under "Agency Tract". This amount will be met by reappropriation from the reserve provision under grant XXXV.'

"I may first explain briefly that the grant is required in order to enable two taluk boards in the Vizagapatam Agency district and Polavaram District Board to wipe off their existing deficits and make a fresh start. The matter is a little complicated, but the Finance Committee itself has examined the grant and passed it. I may explain the figures in this way : there are three sums, viz., Rs. 76,000, 54,000 and 43,000, making a total of Rs. 1,74,000, which I am now asking the House to approve. But we have already been able to allot Rs. 42,000 by re-appropriation from savings effected, of which Rs. 8,000 will be repaid to Government, on account of medical establishment lent to the boards, and therefore the Government require only Rs. 1,24,186 to meet the proposed expenditure. In order that hon. Members of this House may be able to understand the position I must place certain details before them. The boards concerned are two taluk boards, namely the Koraput and the Parvatipur Taluk Board in Vizagapatam and the Polavaram District Board. The boards came into existence after the abolition of the Agency Division. Prior to that there were four Agency taluk boards. As hon. Members of this House are aware, the revenue derived from the Agency by the taluk boards and the district board is very small indeed and their finances have never been in a very satisfactory condition. The two taluk boards together have a deficit of Rs. 55,000, but I am not asking the Council to meet this deficit as the Vizagapatam Agency

District Board have arranged to finance the taluk boards to that extent by postponing some other work. There is only one concession that I am asking for in the case of Vizagapatam and that is that we should write off a sum of Rs. 49,000 which they owe Government for work done for them by the Public Works Department. We promised in 1921 that we would give them grants-in-aid to meet the bills presented to them on this account, thus adopting a rather circuitous procedure for giving the loan of services of the Public Works Department free of cost to the boards. If we now carry out this promise that will wipe off their deficit and place them in a position of financial equilibrium and enable them to start afresh. The point that I should like to put to the Council—I am sure the Council will agree with me—is that it is fair and reasonable to give the taluk boards a fresh start. We are very anxious to see that in future all the boards of the Agency tracts are kept in a position of financial stability, but it is very difficult to ensure this so long as they start burdened with huge deficits which they partly inherit from other boards and for which they are not, from that point of view, entirely responsible.

"A similar concession to the extent of Rs. 5,400 must be made to the Polavaram District Board. They owe Government that sum for work done

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by the Public Works Department. The suggestion is that it should be written off. The sanction of the Council is necessary as the money is to go from one department to another. In other respects the position of the Polavaram District Board is a less favourable than that of the taluk boards in Vizagapatam. Their deficit amounts to Rs. 76,000, which includes Rs. 8,000 for salaries not paid from the 1st January 1924."

Diwan Bahadur M. KRISHNAN NAYAR :—" Were these officers working after 1st January 1924 ?"

The hon. Sir ARTHUR KNAPP :—" I am afraid that that must be the position. My hon. Colleague reminds me that they have been given special permission to overdraw for the purpose. According to strict canons of financial propriety these taluk boards were not entitled to draw the money.

" There is next a demand for Rs. 43,826 against the Polavaram District Board which they are unable to pay. That demand arises from a wrong adjustment in the accounts made when the Agency Division was established. Certain money which ought to have been debited to the Polavaram District Board has been debited to the Vizagapatam District Board. The mistake was admitted by the Accountant-General and the Polavaram District Board has been asked to pay back the money. The Polavaram District Board has spent the money. I now propose that this debt should be written off, in other words that Government should pay the sum to the Vizagapatam Agency District Board against whom the debt was wrongly set up. Thus, we have the following :—

Rupees 76,220, the existing deficit of the Polavaram District Board ; Rupees 54,624, the amount which represents the work done by the Public Works Department for these boards and against which, as I have already mentioned, Government in 1921 promised a grant-in-aid ; and Rupees 43,826 which is the amount the Polavaram District Board is now asked to repay, the sum having been wrongly placed to their credit by mistake.

" I have already explained that a certain sum has already been reappropriated from other items that are available in the Agency budget. A sum of Rs. 1,24,186 is required in order to start these local boards with a clean sheet. I may remind the House that while these Agency district boards are in some respects not on the same footing as other district boards, nevertheless as the other boards had similar benefactions from the Government to enable them to wipe off their deficits it is only proper that the Agency district boards should be treated on the same terms. What the position is to be in the future it is not possible for me to say at the present moment. That is a matter which will come up in the budget. We are taking it up and we hope to arrive at some understanding which will enable these boards to carry on without deficits. I am not suggesting that their resources will be sufficient to meet all their needs. But there must be a definite understanding which will prevent deficits or overdrawal. The proper time to discuss this matter of the future of these boards is when the budget is presented to the House. All that I am anxious now to do is to make this arrangement for this financial year and to tell the boards that they will never again be allowed to overdraw. The Council will probably recognize that this is the most suitable way of dealing with the question as it exists."

* Diwan Bahadur M. KRISHNAN NAYAR :—" What is the provision under Grant XXXV ?"

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* The hon. Mr. R. A. GRAHAM :—“ It is an amount that was placed in reserve with the Government for certain specific purposes last year. It was mainly for the purpose of repairing damages by cyclone as we could not estimate the actual sum that would be needed at that time. It has not all been used for that purpose.”

* Diwan Bahadur M. KRISHNAN NAYAR :—“ What will be the amount unspent ? ”

* The hon. Mr. R. A. GRAHAM :—“ There is now practically nothing left.”

* Diwan Bahadur M. KRISHNAN NAYAR :—“ After this grant is made ? ”

* The hon. Mr. R. A. GRAHAM :—“ Yes, including the amount utilized for this purpose.”

* Diwan Bahadur M. KRISHNAN NAYAR :—“ May I know whether there will be any sum left after this grant is made ? ”

* The hon. Sir ARTHUR KNAPP :—“ There will be a few thousand rupees after this grant is made.”

The motion was put to the House and carried ; the grant was made.

V

THE MADRAS CIVIL COURTS BILL—cont.

* The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Mr. President, Sir, after what took place yesterday in the Council, and after the speeches that were made, I have had the advantage of consulting a few hon. Members of this House and of considering the position. I take it that the main objection that is formulated in regard to the consolidating and amending Bill is that by adopting that procedure I am, so to say, committing this House to a new measure of a particular shape or texture and that, though not directly, yet indirectly I am making it more difficult for the House later on to decide the questions that are sought to be raised and discussed with reference to section 7 of the original Act, viz., the powers of the High Court in respect of appointments. Let me at once repeat the remark with which I prefaced my observations, viz., that my sole object in coming forward before this Council is for the purpose of enabling provisions to be made such as have been made or sought to be made in clauses 4, 5 and 14 of the Bill, clause 4 enabling the posting of additional subordinate judges and munsifs to courts where there may arise the necessity to post such judges without the correlative or corresponding necessity of establishing temporary courts there, thus making considerable saving in the matter of building rent, establishment and so forth. The figures that have been worked out show that so far as this year is concerned, there will be a saving of Rs. 1,15,000. The economy will be on a progressive scale as we go on and as the system is further applied. It seems to me that we may as well face that question. I am perfectly willing, should the general sense of the House desire that particular method to be adopted, to go forward with the Bill for the purpose of achieving these two or three specific ends, viz., of enabling Government firstly to appoint additional judges to subordinate courts and district munsifs' courts. Clause 5 carries out this idea. Secondly clause 14 deals with the question of giving small cause powers to the courts. I am willing to confine myself to three clauses, viz., clauses 4, 5 and 14. If we are thus to deal with the question, and if that meets with the general approval of

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the House, I can at once proceed to do so and at the same time deal with the technicalities which may arise. It may be put to me that the Select Committee has considered the whole Bill and has come out with a consolidating enactment and that I cannot make it an amending enactment. It seems to me that this is only a matter of technicalities. If the House is of opinion that it does not want to discuss the question of the High Court and its jurisdiction and its powers here and now, the easiest way of dealing with it is to treat this as an amending Bill and not a consolidating and amending Bill and deal with each appropriate section by giving up those other sections which have been dealt with in the Select Committee. I do not want to dilate upon the procedure. Thus in effect we may deal with clauses 4, 5 and 14 which embrace the points on which I desire to concentrate. I am putting forward that proposition and making that plea as I do not want it to be said that I am forcing the hands of the Council on a larger question of policy, directly or indirectly or by implication. If that course is accepted of dealing with these particular clauses with the amendments that have been suggested in regard to them, we may finish the Bill before the day is out.

“If, on the other hand, the House would rather have the whole Bill gone through, it is for the Council to decide. So far as I am concerned, speaking on behalf of the Government, I am perfectly willing to deal with the matter and apply the remedy just to the extent to which the remedy is actually called for. Moreover, the reason why a consolidating form was adopted was this. There have been a series of amendments to this Act from 1873 onwards, and now that there is an opportunity, it was thought that we might consolidate all these together and have a new Act so to say beginning afresh. But if that does not commend itself to the House, the other course is open to them. I would therefore, Sir, with your leave, invite discussion so that we might arrive at a decision. It is that aspect that I want to put forward before the House.”

Mr. A. RAMASWAMI MUDALIYAR:—“Mr. President, Sir, the hon. the Law Member was good enough to suggest to me that he would invite discussion on this particular matter just a short time back. Now, Sir, let me at once explain the difficulties that I feel in this matter. As I said yesterday, as it was a consolidating and amending measure, we thought it our duty to press very strongly on the attention of this House particular amendments relating to the divesting of the High Court of its powers with reference to the appointment of district munsifs and the vesting of such powers in the Local Government. The difficulties placed in our way were pointed out to us with reference to the *ultra vires* nature of our amendments. In view of the suggestion made by the hon. the Law Member now, those difficulties may temporarily be got over, that is to say, if this measure is not to be regarded as a consolidating measure and if the amendments are to be restricted to those particular provisions of the Act which are necessary to be amended in view of the conferring of powers on the temporary courts, etc., the other question does not arise. Apart from the question of *ultra vires*, with regard to the powers of High Court over appointments, I would request the Government to state whether they have made up their minds on this question. The hon. the Law Member is aware that the particular question I have referred

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to, namely divesting the power of the appointment of munsifs from the High Court, has been before the House for some years. And certainly it has been in a very acute form before the hon. the Law Member ever since we went into the Select Committee on the Madras Civil Courts Bill. I find that practically every one of the Members has agreed to it, except my friend, the hon. and learned Member for the University, who goes to the other extreme of divesting the power of the Local Government with reference to the appointment of sub-judges and vesting that power in the High Court. Practically every Member of the Select Committee has been of opinion that some change is required in section 7 of the Madras Civil Courts Act."

Rai Bahadur T. M. NARASIMHACHARIU :—" May I say, Sir, that there are also others who agree with the hon. Member for the University ? "

Mr. C. V. VENKATARAMANA AYYANGAR :—" And some others also, though not on the Select Committee. "

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" May I make a correction, Sir ? I was also on the Select Committee. The point was brought forward, but a ruling was given by the Government of India against it, and it was not considered at all. Though the question was brought up, objection was taken, and it was not considered at all. "

* The hon. Mr. C. P. RAMASWAMI AYYAR :—" The matter came up for decision before me as the Chairman of the Select Committee. I had to give a ruling as to whether the discussion could proceed on the basis of certain amendments, and I gave a particular ruling. And thereupon the very question was raised by some hon. Members as to whether they would be at liberty to put forward their contentions by way of minutes of dissent, and it was agreed, I think, that any substantial suggestions in a sense contrary to that ruling should be and ought to be put forward in minutes of dissent, so that those questions might be raised at the proper time and in the proper manner. "

Mr. A. RAMASWAMI MUDALIYAR :—" I am very thankful to the hon. Members for these interruptions. But the point I was arguing was this : that this particular question of the appointment of district munsifs was specifically and acutely before the hon. the Law Member ever since the Select Committee first met and that he was made aware of the fact that there was some feeling in certain sections of the House that this question ought to be considered. But that question could not be considered in the Select Committee because the Chairman ruled it *ultra vires*, and I am threatened with the same ruling now because the overwhelming legal opinion of the hon. the Advocate-General and the Government of India seems to be against it. But what I want to ask the hon. the Law Member is this. Knowing that there was a strong feeling in this House, or at least in certain sections of it, is the hon. the Law Member in a position to say at present that this Government have considered this question and, if so, what the recommendation which the Government are prepared to make is ? Yesterday, for instance, a suggestion was thrown out that this may be agitated in the Legislative Assembly and that a private Member may introduce a Bill in that House. I want to know—the hon. the Law Member may not give an answer—what are the prospects of a private Member making that demand in the Assembly. The hon. the Law Member knows very much more thoroughly than myself that immediately a Bill of that nature is given notice of in the Assembly, the Government of India are bound to refer it to the Local

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the House, I can at once proceed to do so and at the same time deal with the technicalities which may arise. It may be put to me that the Select Committee has considered the whole Bill and has come out with a consolidating enactment and that I cannot make it an amending enactment. It seems to me that this is only a matter of technicalities. If the House is of opinion that it does not want to discuss the question of the High Court and its jurisdiction and its powers here and now, the easiest way of dealing with it is to treat this as an amending Bill and not a consolidating and amending Bill and deal with each appropriate section by giving up those other sections which have been dealt with in the Select Committee. I do not want to dilate upon the procedure. Thus in effect we may deal with clauses 4, 5 and 14 which embrace the points on which I desire to concentrate. I am putting forward that proposition and making that plea as I do not want it to be said that I am forcing the hands of the Council on a larger question of policy, directly or indirectly or by implication. If that course is accepted of dealing with these particular clauses with the amendments that have been suggested in regard to them, we may finish the Bill before the day is out.

“If, on the other hand, the House would rather have the whole Bill gone through, it is for the Council to decide. So far as I am concerned, speaking on behalf of the Government, I am perfectly willing to deal with the matter and apply the remedy just to the extent to which the remedy is actually called for. Moreover, the reason why a consolidating form was adopted was this. There have been a series of amendments to this Act from 1873 onwards, and now that there is an opportunity, it was thought that we might consolidate all these together and have a new Act so to say beginning afresh. But if that does not commend itself to the House, the other course is open to them. I would therefore, Sir, with your leave, invite discussion so that we might arrive at a decision. It is that aspect that I want to put forward before the House.”

Mr. A. RAMASWAMI MUDALIYAR:—“Mr. President, Sir, the hon. the Law Member was good enough to suggest to me that he would invite discussion on this particular matter just a short time back. Now, Sir, let me at once explain the difficulties that I feel in this matter. As I said yesterday, as it was a consolidating and amending measure, we thought it our duty to press very strongly on the attention of this House particular amendments relating to the divesting of the High Court of its powers with reference to the appointment of district munsifs and the vesting of such powers in the Local Government. The difficulties placed in our way were pointed out to us with reference to the *ultra vires* nature of our amendments. In view of the suggestion made by the hon. the Law Member now, those difficulties may temporarily be got over, that is to say, if this measure is not to be regarded as a consolidating measure and if the amendments are to be restricted to those particular provisions of the Act which are necessary to be amended in view of the conferring of powers on the temporary courts, etc., the other question does not arise. Apart from the question of *ultra vires*, with regard to the powers of High Court over appointments, I would request the Government to state whether they have made up their minds on this question. The hon. the Law Member is aware that the particular question I have referred

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* The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Sir, I want to make my position clear on this matter. It is not a question of my wanting it one way or the other. I have moved that this Bill be taken into consideration, and on that motion discussion was initiated yesterday relating to the larger question, that is, the *ultra vires* character of some of the amendments sought to be moved. I say if objection is to be taken to the consideration of this Bill and my hon. Friend Mr. Natesa Mudaliyar's motion is to block this Bill, the House may decide on the matter if it desires to embark on that discussion. But my task was done when I moved for the consideration of his Bill.”

* Mr. S. SATYAMURTI :—“ I am glad to hear that assurance. Therefore, if this House wants that only certain clauses of the Civil Courts Act should be amended so as to enable Government to appoint additional munsifs or sub-judges without having a separate establishment for each court, they ought to bring in an Amending Bill to the Civil Courts Act. If that is not possible, this Bill should be recommitted to the Select Committee and the Select Committee should give it a different form. But having said that, I part company with the hon. Member from Chingleput. I am surprised that the hon. the Law Member, who I know from my experience in this House in regard to the Irrigation Bill knows how to stick to his guns, should on this occasion have—pardon me if I am wrong—shown the white feather because he is afraid that his Bill may be blocked. He has come forward and suggested”

* The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Apart from any discussion of feathers white or black (laughter), the position is this. At present the Government of India have ruled particular amendments as *ultra vires*. So, notwithstanding our extreme desire to discuss them here, my humble submission is that we cannot. Of course, the result will depend upon your ruling, Mr. President. It is because I feel (and I can only state my own experience as a lawyer, and my opinion as a lawyer may be taken for what it is worth) that no discussion can take place in this House as the Government of India have ruled it *ultra vires*, that I deprecate needless discussion.”

* Mr. S. SATYAMURTI :—“ I am only anxious that the hon. the Law Member must follow the logical implications of the statements he has just now made. I cordially agree with him that it is *ultra vires*. Then, why on earth should he want this Bill not to be discussed? It is perfectly open to him to proceed with the Bill. And if you rule that these amendments are out of order, if I were the Law Member, I would press this Bill and have it voted upon. Why the hon. the Law Member should be afraid of the vote of this House I cannot understand. Either he believes in this Bill or does not; there cannot be a third position. And I am surprised that the hon. the Member from Chingleput should have impressed the Government with his strength. I am glad as a Swarajist that the policy of obstruction is accepted by him and has frightened the Government. And I am sure when we are in a majority, we shall be able to threaten the then Law Member and extract concessions from him. Speaking seriously on this matter, I do want every section of this House to consider this matter. Assuming for one moment that we must have communal representation in the services, personally I see the full justice of the communities' desire and anxiety that the public services ought not to be the monopoly of any community therein (hear, hear), and that as far as possible the people of the various

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communities should be represented so that there may be no feeling on one side or the other. But I do ask my friends whether the hon. the Judges of the High Court are not the most competent judges in the matter of appointments to the judiciary. We have on the High Court Bench to-day at least five non-Brahmans, two or three of whom are claimed by the 'Justice' party to have been put in that place by that party. And I do want to suggest therefore that it is far better and safer to leave it to those hon. Judges to protect the interests of these backward communities. Secondly, I am sure the hon. the Law Member is a very competent person, but even he would agree that the Judges who are presiding over Courts every day and listening to the arguments of the practitioners are more competent Judges of this question as to which individual practitioner is competent to occupy a place in the judiciary, than the Government who, after all, can only depend, apart from the knowledge of the Bar possessed by the hon. the Law Member and of the relative capacities of juniors, on the reports of the Judges or the hon. the Advocate-General and others whom he may consult in the matter. So, I suggest in the very interests of the point that my hon. Friend wants to stress, that it is much better to leave it to the High Court.

"The last point I would make is this. We are all talking in these democratic days of the independence of the judiciary from the executive, and is it right that the man who starts on the lowest rung who may one day rise to the highest rung should owe his appointment to the Executive Government? I do want the House to consider whether it is not right that our judiciary must learn to owe their appointment and continuous promotion to the highest judges in the country who view this question from a judicial point of view. I cannot understand this position, namely, that we want not only non-Brahmans but we want non-Brahman cousins, non-Brahman uncles and non-Brahman brothers of the Members of this Council. I cannot understand the political significance of a move to see that we must have the power vested in the Government so that we may use the power in this House to squeeze what we want. If, on the other hand, the claim is a legitimate one, then the move should be for only non-Brahmans being appointed. I personally do not see any harm in putting the power in the hands of the High Court Judges. I am not in the habit of voting with the Government. But, if the question is pressed, I am willing to go into the lobby with them (cheers) in order to convince my Friends here that this communal bias ought not to be allowed to run riot and ought not to be allowed to poison the very springs of public life in this Presidency. It is time that some of our friends learn that there is a limit to these things and that we cannot really poison the springs of justice. On it depends the progress of law and order and these wells ought not to be allowed to be corrupted by the poison of communalism. If the hon. Member in charge allows the amending Bill to be passed, I wish him joy as he will be doing the very best to spoil the prestige of Government and the 'Justice' party will be taught a lesson in obstruction, which is my prime task in the Council."

*Diwan Bahadur M. KRISHNAN NAYAR :—"The suggestion now put before the House is whether this Bill is to be considered at once or whether the Bill is to be recommitted to the Select Committee. It seems to me, Sir, that the better suggestion is that put forward by my hon. Friend, Mr. Ramaswami

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Mudaliyar. It cannot be denied that all these various sections embodied in the Bill and which have been considered by the Select Committee are interdependent. I believe it will practically lead to an awkward situation if we confine our attention only to the three sections referred to by Mr. Ramaswami Mudaliyar. My hon. Friend for the University says that it is illegal. I have not looked at the legal aspect of the question. But, certainly, it is better for the Select Committee to consider the Bill as a whole again, having regard to the considerations put forward by my hon. Friend the Law Member. The Select Committee will be in a position to examine the question with reference to these particular sections and their recommendations will come up again before the House as a whole and the House can then pronounce its opinion. One objection may be raised to this course, viz., that it will involve delay. I do not think it will lead to any delay. If it suits the convenience of the Members of the Select Committee and the hon. the Law Member, the Select Committee may meet immediately some day next week and formulate its recommendations and the Bill can come up again before the Council meets again. I believe that after the presentation of the budget is over, this Bill can be considered or, if necessary, a special day may be allotted for the purpose. The question of delay can be the only reasonable objection to the recommitting of the Bill to the Select Committee. I have great pleasure in supporting the suggestion. As the hon. Member stated, if the suggestion is accepted he can move it in the form of an amendment."

*The hon. Mr. C. P. RAMASWAMI AYYAR:—"I wanted to indicate what my attitude would be on this motion for recommitment."

Mr. C. RAMALINGA REDDI:—"May I rise to a point of order? If you would kindly give your ruling as to whether the amendments tabled by the hon. Member for Chingleput and Madras are in order or not it would probably facilitate discussion. If they are not in order there is no reason why the present Bill should be withdrawn. If they are in order they could be moved and the sense of the House taken. If they are not in order even a recommitment would not do. If they are in order the whole question will have to be gone into."

*The hon. the PRESIDENT:—"I have already agreed to consider the matter to-day. Meanwhile the hon. the Law Member has put forward another proposition before the House and he is entitled to have it considered."

Mr. C. RAMALINGA REDDI:—"My submission to you, Sir, is that your ruling will have the decisive weight in arriving at a conclusion. If they are in order we have to resist even the committing to the Select Committee. We cannot take up these amendments, discuss them and either pass them or reject them according to the wishes of the majority. If they are altogether out of order a different situation arises and the question whether it should go to the Committee or not will have to be taken up. If those amendments are in order it may mean a large number of members would desire to discuss and dispose of them."

*Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"It seems to me that the course suggested by Mr. Ramalinga Reddi is not likely to meet the rules at all. The whole Bill is a consolidating and amending Bill and it is not possible to pick out certain portions and deal with them."

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(f) if the Government have no information with reference to clauses (a) to (e), whether the Government will be pleased to call for the information?

A.—Government have no information. A report has been called for.

Mr. C. V. VENKATARAMANA AYYANGAR :—“ If the report is received, will the Government lay it on the table ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Yes.”

Police.

Duties of Circle Inspectors of Police.

* 52 Q.—Rai Bahadur T. M. NARASIMHACHARLU : Will the hon. the Law Member be pleased to state—

(a) what are the duties of the Circle Inspectors of Police in this Presidency; and

(b) whether they do any investigation into crimes as part of their ordinary duties?

A.—(a) & (b) The hon. Member is referred to Orders of the Madras Police, Volume I.

Mr. K. KOTI REDDI :—“ Is there a book called ‘ Orders of the Madras Police ’, or is it the Police Manual ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ The Madras Police Manual, Volume I, Executive Orders, 1917.”

Finance.

Excess expenditure during the last two years over grants sanctioned.

* 53 Q.—Sriman BISWANATH DAS Mahasayo : Will the hon. the Member for Finance be pleased to state—

(a) the number of cases in which excess expenditure over a grant or grants in each of the years of 1921-22 and 1923-24 was incurred;

(b) if there are any such cases, whether they related to Transferred or Reserved department and also to voted or non-voted items of expenditure; and

(c) whether subsequent sanction of the Legislature was obtained in any or all these cases?

A.—(a) & (b) Excess expenditure over the grants voted by the Legislative Council occurred in six cases in the year 1921-22, five of these relating to Reserved department and one to a Transferred department. As regards non-voted items of expenditure, excesses over the sanctioned allotments occurred under six major heads. Details of the above excesses will be found in the Appropriation Report on the accounts of this Presidency for 1921-22.

The Appropriation Report for the year 1923-24 has not yet been received by Government.

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should be done to further consider the Bill. Under that Standing Order I beg to move my motion. That motion, Sir, if accepted, is likely to take us clear off the dangerous shoals which we now see before us. On the one hand, the hon. the Law Member seems to be anxious that this improvement in the judicial administration, which incidentally, is also likely to effect some retrenchment, should be sanctioned at once. On the other hand, there is the standing question with reference to the appointments in the judiciary which has to be dealt with some day or other. If this motion is accepted now, we would not be delaying the consideration of this Bill for the present for the purpose of considering the bigger question which no doubt has been hanging fire for some time. The only other course possible is what has been suggested by the hon. Member for the University that we should face the question at once. Further, it is not possible to face it except indirectly. That is to say a sort of token motion will have to be made in this House in order to express the feeling in the matter. That will not be satisfactory, because the hon. the Law Member has stated that the question of the amendment of section 7 is not admissible in this House. If that is the case, the question that is sought to be brought here cannot be faced squarely. The only way in which the feeling of this House with reference to this question can be raised is by a motion of the kind, notice of which has been given by the hon. Member, Mr. Natesa Mudaliyar, namely an adjournment of the consideration of the Bill. The result will be delay. The hon. the Law Member himself has not stated his views specifically with reference to the matter that is agitating the minds of members who want to raise the question of patronage to be vested either in the High Court or in the Executive body. At any rate, so far as his intentions in bringing forward this Bill to this House are concerned, I do not think it is one of his intentions that he should raise this question specifically in this House at this moment. I do not believe it. If he had any such intentions, I would be surprised at it. Such being the case, I think my motion will serve the purpose. If it is not accepted, the only course that is open is to raise the question of patronage, as I have said, not by direct voting but by a sort of indirect question. The result of it will be that the consideration of this Bill and the necessary amendments wanted by the hon. the Law Member to be made will be delayed. As regards that question itself, again, Sir, the hon. Member for the University said that there should be no bickering about these communal matters. It is all very well to say that as an abstract, or theoretical matter. Certainly I am free as an idealist to say that it is not very good in the national interest to raise questions about communities and all that. But being situated as we are and knowing the feeling in the country, I do not think a mere statement of abstract theory like that will serve the purpose. So far as patronage of judicial appointments is concerned, there has been any amount of dissatisfaction in the country. No doubt, the Honourable Judges of the High Court ought to be above any kind of reflection in such matters, and I do not think that they consciously do any wrong. We can admit that. But the difficulty is that the surroundings always tell on people (laughter). There are the High Court Judges; they come in contact with certain practitioners and certain people in their offices, and the predilections of these people with whom they come in contact have got an effect on them with the inevitable result that they lead to complaints elsewhere. Well, Sir, it is said the Government have also got surroundings which they cannot shake off (Mr. C. V. Venkataramana

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Ayyangar: 'Hear, hear') and some complaints have been raised in this House with reference to that also. It is quite natural so long as we are human beings to give room for such complaints. Their surroundings will certainly tell upon what they have got to do. No doubt about that. But the only way by which we can meet the situation is probably by the constitution of what has been suggested as a Public Service Commission to make all appointments (Mr. C. Ramalinga Reddi: 'Hear, hear'). That will probably be a satisfactory agency to think of. But to say that we are satisfied with the appointments made by the High Court and that they are in a special degree different from those made by the Government or any other people, I beg to submit, is a thing which people who have considered this matter will not admit.

"Well, Sir, it may be asked: How is the position bettered by vesting the power in the Government rather than in the High Court.
3 p.m. There is one consideration which will make the Government the better body than the High Court. The High Court is not in touch with the people generally except those that appear before them as vakils or who work under them in offices."

* The hon. Mr. C. P. RAMASWAMI AYYAR:—"I am only mentioning it for the consideration of the hon. Member, who is on his legs, that, if as a matter of fact we are not going to discuss the question of the recruitment either by the one or the other body, we need not discuss the question even to the extent to which it has been done?"

* Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"I am only putting the argument before the House and I am only saying that we have to consider all these aspects if we are going to take a division. It is only to avoid any confusion I propose this recommittal to the Select Committee. I am one of those who is anxious to minimise this communal trouble and that trouble will disappear only by agreeing to some sort of proportion by which these appointments would be made and it would then be possible to do away once for all with these difficulties.

"With reference to the High Court, I only want to say it is not merely the opinion of a few people this side or a few people that side, but it is the general feeling—at least among those communities to which we have the honour to belong—that the patronage has not been exercised by the High Court to the satisfaction of us. None of us in the least dream of attributing conscious motives on the part of the High Court Judges; but they are certainly not doing it to our satisfaction. As I said, it is the surroundings that they are placed in that is the cause for these complaints. And I think some satisfactory way should be found in order to remove this dissatisfaction. Sooner or later we will have to meet this question and we will have to solve it. Probably the best way will be to give the powers to the hands of a Public Service Commission. Now, I do not consider it wise on the part of any of us here to raise that question which is quite unnecessary for the purpose for which the hon. the Law Member has now come to this House. It is in view of that I make the motion

'That the Bill be re-committed to the same Select Committee with instructions to consider it as only an amending Bill providing for the incorporation in the old Act of provisions relating to the appointment of more judges or munsifs than one to the same court and giving power to the principal Judge over establishment and the extension of jurisdiction of Small Cause Courts, this report to be made before to-morrow evening.'

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Mr. A. RAMASWAMI MUDALIYAR :—" Mr. President, I beg to second the motion that has been made by the hon. Member for Coimbatore. In seconding this motion, I wish to make my position perfectly clear. The suggestion has been put forward that the amendment of which I have given notice and which was characterised by the hon. the Law Member as *ultra vires*, might be subjected to the ruling of the President and that thereafter the particular course which we should choose might be taken. My only difficulty is this. Knowing as I do that you, Sir, are not assisted by a standing counsel of your own and that we have to face facts as they are, I wanted to make that position clear that there is a necessity for arming the President with a standing counsel of his own unprejudiced either on the administrative side or on the non-official side. It is that position that has been made clear to the House now. Knowing therefore, as I said, that you are unprotected by an independent standing counsel, and knowing also that you have to depend to a very large extent on the legal advice of the officers of Government, the Advocate-General, a humble member like myself from my position here, is bound to find the fight most unequal when I may be overruled by a ruling from the chair. The Advocate-General has also said that the Government of India is also against the amendment and have considered it *ultra vires*. I was fairly certain taking all the circumstances into consideration, however much eruditely I might argue the case and however much I may try to look into the new High Courts Act, the Letters Patent and all that sort of authorities, finding it will only be a losing battle, I have thought it better to second this motion.

" Now, Sir, the question as regards how the High Court has been exercising the patronage hitherto, what the circumstances are under which they have been exercised, and how the public feeling in the matter runs, these I have no right to discuss and I have purposely eschewed from my arguments any reference to any communal matters. I put it more on the ground that it was a recommendation very carefully and generously conceded by the Government. But since that speech, certain reflections have been made by the hon. Member for the University and in spite of the hon. the Law Member deprecating our going into this question at this stage I wish to sound my feeble voice of protest, on behalf of those on this side of the House and also on behalf of those on the other side of the House (cries of no, no) against the chary remarks made by my hon. and learned Friend the Member for the University. Sir, the feeling has been given expression to time and again and I may be pardoned for saying that the patronage of the High Court has been, to say the least, improperly exercised. The hon. and learned Member for the University has suggested that if the patronage is vested in the Government then the Government will have to be guided by their own surroundings in the Legislative Council in which case there might be the possibility of the brothers, sons, sons-in-law, cousins, nephews, German cousins, and all the rest of them . . . "

* Mr. S. SATYAMURTI :—" Who are German cousins ? "

Mr. A. RAMASWAMI MUDALIYAR :—" My Friend over there is a German cousin. "

* Mr. S. SATYAMURTI :—" Then I too have got a chance ! "

Mr. A. RAMASWAMI MUDALIYAR :—" Now, Sir, I want to throw out a friendly challenge to my hon. and learned Friend over there, the Member

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for the University. That is this. Shall we both go through the list of appointments made during the five or six years by the High Court Judges? Or, shall we consent to go through the list of names suggested for the appointments of district munsifs; or shall we have a list framed showing how many of these gentlemen are either cousins, sons-in-law and so forth to Executive Councillors, High Court Judges, retired Judges of the High Court or to those who are at present on the bench of the High Court or to Advocates-General and things like that? This is a challenge fairly and squarely made on the floor of this House and we shall set forth and see how many that have been appointed as district munsifs are the relatives of the Judges of the High Court. My hon. Friend for the University is talking about the future and I am talking about the present. If my hon. Friend will only have the courage to accept the facts and of facing facts instead of trying to talk on airy fairy things on communal representation and if he will see for himself how these gentlemen, after all they are human beings, are exercising the patronage in these matters, then I think we will surely come to a fair solution on what is often talked about as a mere matter of communal representation. Then only will all these provocative speeches that are so freely given expression to"

*Mr. S. SATYAMURTI:—"On a point of personal explanation, Sir, . . ."

Mr. A. RAMASWAMI MUDALIYAR:—"Cannot this point of personal explanation wait till I have finished?"

*Mr. S. SATYAMURTI:—"On a point of personal explanation, I am perfectly willing to accept the challenge thrown by my hon. Friend the Member for Chingleput. I never suggested that men either here or there may not be subject to surrounding influences. But I only said that I believed, and I still maintain that position, that the influence of these surroundings here may be subjected to a large extent to political needs, and that this power might be confined to the High Court and not to the Members occupying the Treasury Benches who are dependent on the votes of the House."

Mr. A. RAMASWAMI MUDALIYAR:—"I am not surprised at the interruption."

*Mr. S. SATYAMURTI:—"The hon. Member is never surprised!"

Mr. A. RAMASWAMI MUDALIYAR:—"The hon. Member said that he agreed with the hon. Member for Coimbatore that men either there or here would be subject to surrounding influences. May I point out to the hon. Member for the University that the surrounding influences here are at any rate those of the representatives of the people while the surrounding influences there are quite different? That at least is a consideration that ought to weigh with my hon. Friend in considering this matter. And then he speaks of influences being subjected to political necessities. I quite agree and I only want to do things straight instead of by indirect, backdoor influences and here the Members are going to be influenced by expressions fairly and freely made and my hon. Friend might bring his eloquence to bear on this House on these matters. I certainly do not want to drag the names of the Judges here though I am certainly not afraid of doing that; for, I can substantiate all that I say by giving figures and quoting chapter and verse. I have no objection to suggesting a committee for scrutinizing

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the appointments made recently by the High Court for district munsifs. I am tabling a resolution and there I shall offer this friendly challenge. . . ."

*Mr. S. SATYAMURTI:—"I am perfectly willing to take up the challenge; only I will then move an amendment to the terms of reference to the Committee that the Committee may also inquire into the number of Presidents and other members of the local bodies that have been appointed by the Ministry from among their friends and relations" (Laughter and applause.)

*The hon. the PRESIDENT:—"I think we have had enough of this exchange of compliments now. If the hon. Member who is going to second the motion will directly second it much of this profitless discussion could be avoided."

Mr. A. RAMASWAMI MUDALIYAR:—"I do not want to mention the names of Judges here and I am anxious not to drag in High Court Judges. In fact my hon. Friend Mr. B. Muniswami Nayudu has specifically said in his dissenting minute that the High Court Judges should be free from all the discussion on the floor of this House. Without wishing to say any further on this matter, I am reluctantly forced to give my acceptance to this motion for recommitment and I second the motion."

3-15 p.m. *The hon. Mr. C. P. RAMASWAMI AYYAR:—"Mr. President, Sir, I intervene in this debate at an early stage in order that my position with reference to this motion and to some of the questions that have been raised or rather adumbrated in the debate may be made absolutely clear. In the first place, I recognize that the necessity has been felt, either on the part of the protagonist of the theory or on the part of its antagonist to raise questions as to the exact mode of exercise of patronage by Judges of the High Court. But I may mention in passing that this was the very reason why at an earlier stage of the discussion I said it was unnecessary and would be futile to consider these matters especially in view of the opinion that has been expressed and which I have also had the honour to hold and still hold, namely, that under the provisions of section 106 of the Government of India Act, the question of divesting the High Court's powers should not be raised in this legislature. Having regard to that matter, I thought we might have steered clear of the discussion of the actual exercise of the powers of patronage by the High Court. But, anyhow, there is one observation with which I desire to close this particular discussion, viz., that the High Court Judges are in no sense represented here excepting perhaps by me. No doubt certain allegations have been made on the floor of this House that there has been a misuse of patronage by some one or other. I take it that there may be other occasions when this exercise of patronage may be tested more thoroughly than can possibly be tested in a debate of an incidental character like this. But I do not desire at this moment, standing as I do as representing the department which I have the honour to administer, to let that allegation pass by uncontradicted. At all events, Government cannot accept that there has been any abuse or misuse of that patronage in any manner whatsoever."

*Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"Only they have not used that patronage to the satisfaction of the people."

*The hon. Mr. C. P. RAMASWAMI AYYAR:—"Without further particulars I do not want to say anything. As the hon. Member, quite incidentally

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I think somewhat playfully, referred to the various Executive Council Members and others having used their influence in securing appointments for their cousins, in order that there may be no misapprehension on that point, I may say that no cousin of mine—I do not believe I have any cousins excepting one who is already in employment—has got any place as a District Munsif after I assumed office.”

Mr. K. KOTI REDDI:—“Are there no German cousins?”

* The hon Mr. C. P. RAMASWAMI AYYAR:—“I am not aware of any German cousins. All this apart, my attitude on this resolution is this. This Bill was intended to secure three objects; firstly, to enlarge the jurisdiction of small cause courts; secondly, to give some powers over ministerial officers to a particular judge of a court where there is more than one judge; thirdly, to take power for appointing a few more judges instead of having a temporary court erected in a place where there is a congestion of work. These were the three objects sought to be attained by this amending Bill. Taking advantage of the Bill we brought in a lot of other formal amendments. As I said in my speech this morning, it is for the House to decide whether they want to codify the Bill or not. This Bill does not purport to do anything more than rectifying some sections in addition to enacting the three additions I have mentioned. I take it that these three motions should alone be dealt with without any attempt at re-codification. That is a matter which I leave entirely to the House and I should be guided by the vote of the House.

“The other question that was raised was somewhat akin to this. In reality, the committal or re-committal to the Select Committee is, I consider, a matter of form. Because in regard to these three amendments or three provisions which are sought to be introduced *de novo*, I do not find any amendment tabled of importance, nor are there any matters of importance that can be raised by way of amendment. Yesterday, when asking for leave to consider this motion, I began to say that this Bill was non-controversial, that there was no point for debate or controversy within the four corners of the Bill. What is now sought to be controverted or raised is something not within the four corners of this Bill, but the implications of section 7 are sought to be agitated. My submission to this House was and continues to be that if this House cannot discuss the right of patronage of the High Court, there is no point in raising it in an incidental manner. If therefore we put it aside and merely consider the questions which we are embarked upon in regard to the actual Bill before the House, I am content. But I do not desire that there should be any undue delay; because, it is conceded, on all hands, that these particular measures which are sought to be introduced are measures of necessary reform and can be carried through without differences of opinion, at once. If they are not passed at once, we cannot enact the measure in the course of this year. And I notice with some gratification that the hon. Member from Coimbatore has given instructions to the select committee to report by to-morrow evening. In these circumstances, I am prepared to abide by the decision of this House on this matter.”

Mr. C. V. VENKATARAMANA AYYANGAR:—“Before voting, I have one doubt to be cleared. It has been said that a ruling on this question as to whether we can introduce amendments as to High Court's powers is not required. Where is the guarantee that, without a ruling from you, if this is

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again sent back to the Select Committee and if it comes back in some form or other, nobody who is either for increasing the powers or diminishing them will bring an amendment? And if it comes what is to be done? It is better that some ruling is given and as a result of that ruling this Bill is sent back to the Select Committee which will only be a formal matter and we can dispose of in a few minutes. Otherwise there is the probability of both parties bringing in amendments even in the Select Committee."

* The hon. Mr. C. P. RAMASWAMI AYYAR :—"Sir, when the Select Committee met on this matter, I ruled as a chairman of that committee, which I shall continue to be if this committee meets, that it is not open to the Select Committee to consider the matter, and I shall have to adhere to that ruling. It is open then or at any other stage for the question to be raised in open Council when the President will give his ruling on the matter. I take it that it should not be brought to a focus in an incidental way or in an indirect way, because it is not fair to initiate the question save by a frontal attack."

* Rao Bahadur C. NATESA MUDALIYAR :—"Mr. President, Sir, I do not think that matters have improved either by the Law Member bringing in only amendments to the existing Bill and not a consolidating Bill nor by the resolution moved by my Friend, Mr. Ramalingam Chettiyar. We cannot but discuss clause 7. We want a ruling whether the amendments to clause 7 can be discussed or not. That clause 7 is a red rag to the various communities. Of the seven dissenting notes to the report of the Select Committee, four have concentrated their attention on clause 7. One of the four proposed an adjournment of the Bill till the Indian Legislature enacted the desired changes. The Chairman of the Select Committee ruled ultra vires the increasing or curtailing the powers of the High Court vested in them according to the Government of India Act of 1919. But the committee lost no opportunity to curtail the power of the Government for annulling appointments made by the High Court."

* The hon. Mr. C. P. RAMASWAMI AYYAR :—"It was pointed out to the committee that for a long time that power had not been exercised. It is no use having powers which are not exercised because it is not likely when the High Court appoints somebody Government will step in and issue a fiat. . . . (laughter) "

* Rao Bahadur C. NATESA MUDALIYAR :—"That might have served as a safety valve when there was any trouble. But if it is said that these rules are very old, even the Government of India Act is old, as old as the East India Company. There are so many things that must be rectified. They are so many clauses simply repeated every time the Act is renewed. Ever since the power of appointing district munsifs was transferred to the High Court, there has been discontent in the land that even in the lowest grades of judicial appointments, various communities are not only not having their due share, but they have almost no share in them. In the pre-Reform days people were grumbling but they had not the power of expression. In the reformed Legislative Council they took the earliest opportunity to express their opinion by tabling a resolution that the power of appointing district munsifs should be transferred to the Government. Various speeches were made in this very Council and all sides of the House agreed that there was a real grievance that various communities were not represented—including speeches made by the present Leader of the Opposition, the then Leader of

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the Opposition, now Leader of the Swarajists—Mr. S. Srinivasa Ayyangar, Mr. A. Ranganatha Mudaliyar, Mr. A. S. Krishna Rao Pantulu, Mr. Siva Rao and everybody agreed there was a grievance among the non-Brahmans against the appointments made by the High Court. And the Leader of the House consented to communicate to the High Court the reports of the discussions of this Council for their guidance. Sir, I am extremely sorry to tell that four solid years have moved on, but the High Court have not moved an inch. They are standing as they were, perhaps making the position in the matter of appointments worse than before.

“Sir, it is all easy to theorise. The conditions of the country are there and are we not to be guided by them? I find that my Friends Mr. Ramalinga Chettiyar and Mr. Ramaswami Mudaliyar, have agreed, for one gentleman moved a resolution and the other gentleman seconded it. I do not know how they agreed. We want that question to be settled first—the question of clause 7, transferring the power of appointment of district munsifs from the High Court to the Government. Of course my friends on both sides were talking about the separation of judicial and executive functions. If after the separation of the judicial and executive functions things are done as they are being done now, save us from such a separation! We do not want that separation at all. Of course I tabled a motion for adjournment. But my feeling now is not to press it; because my friend Mr. Ramalinga Chettiyar and my friend on the other side from the Ministerialists have both brought in a resolution to refer this to the Select Committee. I only want the Law Member to see that the feeling of this Council towards the appointments made by the High Court is communicated to the Judges and see whether they cannot revise their opinion.

“Now, Sir, coming to the Law Member, I am extremely pleased to find that he is so very conciliatory; he is now only half of what he was yesterday (laughter).”

* The hon. Mr. C. P. RAMASWAMI AYYAR:—“I am very likely half of what I was yesterday, but I do not know in what particular.”

* Rao Bahadur C. NATESA MUDALIYAR:—“I am extremely thankful that he left the disputed points.”

* The hon. Mr. C. P. RAMASWAMI AYYAR:—“The disputed points were left because this Council cannot deal with those points. I am thankful, however, Sir, as I am told that I am only half as objectionable as I was yesterday.”

The motion was put and declared carried.

On the motion of Mr. P. Subbarayan a poll was taken.

Ayes.

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| 1. Sir James Simpson. | 11. Diwan Bahadur P. C. Ethirajulu Nayudu. |
| 2. Mr. T. M. Ross. | 12. Mr. S. Raguechandra Ballal. |
| 3. „ J. A. Davis. | 13. „ J. Kuppuswami. |
| 4. „ P. K. S. A. Arumuga Nadar. | 14. „ A. Ramaswami Mudaliyar. |
| 5. „ N. Devendrudu. | 15. „ B. Muniswami Nayudu. |
| 6. Rao Sahib S. Ellappa Chettiyar. | 16. „ P. N. Marthandam Pillai. |
| 7. Rao Bahadur A. M. Murugappa Chettiyar. | 17. „ C. Muttayya Mudaliyar. |
| 8. Rao Bahadur Cruz Fernandez. | 18. Hony. Lt. Madurai. |
| 9. Rao Sahib P. V. Gopalan. | 19. Mr. C. Ponnuswami Nayudu. |
| 10. Mr. L. C. Guruswami. | 20. „ K. S. Ponnuswami Pillai. |
| | 21. „ K. Prabhakaran Tampan. |

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Ayes—cont.

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| 22. Rao Bahadur K. Krishnaswami Nayudu. | 38. Mr. Chavadi K. Subrahmanya Pillai. |
| 23. Mr. P. T. Rajan. | 39. Rao Sahib P. V. S. Sunderamurti. |
| 24. " B. Obalesappa. | 40. Diwan Bahadur M. Krishnan Nayar. |
| 25. " P. Sagaram. | 41. " W. Vijayaraghava |
| 26. " J. D. Samuel. | Mudaliyar. |
| 27. " K. Sarabha Reddi. | 42. Rai Bahadur T. M. Narasimhachari. |
| 28. Rao Bahadur C. Natesa Mudaliyar. | 43. Mr. P. M. Narayanaswami Pillai. |
| 29. " T. A. Ramalinga Chettiyar. | 44. Khan Bahadur P. Khalif-ul-lah Sahib. |
| 30. Diwan Bahadur P. Kesava Pillai. | 45. " Haji Abdulla Haji Qasim |
| 31. Dr. P. Subbarayan. | Sahib. |
| 32. Mr. A. Chidambara Nadar. | 46. Mr. Muhammad Ghouse Mian Sahib. |
| 33. " K. Koti Reddi. | 47. " T. N. Bava Ravuttar Muhammad |
| 34. " Muhammad Moosa Sait. | Sahib. |
| 35. " K. Sarvarayudu. | 48. Janab Muhammad Qadir Mubi-ud-din |
| 36. " K. Sitarama Reddi. | Sahib. |
| 37. " R. Srinivasan. | 49. Munshi Abdul Wahab Sahib. |

Noes.

Mr. C. V. Venkataramana Ayyangar.

Neutral.

- | | |
|--|--|
| 1. The hon. Sir Arthur Knapp. | 20. Mr. K. Uppi Sahib. |
| 2. " Mr. C. P. Ramaswami Ayyar. | 21. " P. C. Venkatapati Raju. |
| 3. " the Raja of Panagal. | 22. " A. Ranganatha Mudaliyar. |
| 4. " Rao Bahadur Sir A. P. Patro. | 23. " S. Satyamurti. |
| 5. " Diwan Bahadur T. N. Sivag- | 24. " T. Adinarayana Chettiyar. |
| nanam Pillai | 25. " P. Anjaneyulu. |
| 6. " Mr. R. A. Graham. | 26. " M. Gangaraju. |
| 7. " Mr. N. E. Marjoribanks. | 27. " C. Gopala Menon. |
| 8. Mr. R. W. Davies. | 28. " C. Maruthavanam Pillai. |
| 9. " G. F. Paddison. | 29. " S. Muttayya Mudaliyar. |
| 10. " E. W. Legh. | 30. Rao Sahib U. Rama Rao. |
| 11. " P. L. Moore. | 31. Sriman Sasibhushan Rath Mahasayo. |
| 12. " T. R. Venkatarama Sastriyar. | 32. Mr. M. Seetayya. |
| 13. " Abdulla Ghatala Sahib. | 33. " J. A. Saldanha. |
| 14. " S. Arpudiaswami Udayar. | 34. " R. Srinivasa Ayyangar. |
| 15. Rao Sahib T. C. Tangavelu Pillai. | 35. " Sami Venkatachala Chettiyar. |
| 16. Rao Bahadur P. Raman. | 36. " Venkatarama Ayyar alias V. Pantulu |
| 17. " C. V. S. Narasimha Raju. | Ayyar. |
| 18. Mr. C. Ramalinga Reddi. | 37. Rai Bahadur Sir K. Venkatreddi |
| 19. Rao Bahadur A. S. Krishna Rao Pantulu. | Nayudu. |
| | 38. Mr. R. Veerian. |

*Ayes 49.**Noes 1.**Neutral 38.*

The motion was carried.

* The hon. the PRESIDENT:—"The original motion will stand over until the Select Committee presents its report."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Sir, may I ask in this connexion whether a member who has voted in favour of a motion and when the result of the vote is declared in his favour can demand a poll? I remember it has been ruled out of order on a previous occasion."

* The hon. the PRESIDENT:—"I think, so far as I can recollect, that it is open to either side to ask for a poll."

* The hon. Mr. C. P. RAMASWAMI AYYAR:—"May I crave your permission, Sir, having regard to the fact that this motion enjoins on the Select Committee to make its report by to-morrow evening, to announce here that the meeting of the Select Committee will be held immediately after the Council rises?"

4th February 1925]

VI

A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES AND LOCAL BOARDS (AMENDMENT) ACT, 1921.

* The hon. the RAJA OF PANAGAL :—" I beg to present the * report of the Select Committee on the Bill to amend the Madras District Municipalities and Local Boards Act, 1921, and move that the Bill as amended by the Select Committee be taken into consideration."

The hon. Rao Bahadur Sir A. P. PATRO :—" I second it."

Clause 1 was put and carried and added to the Bill.

Clause 2 was put and carried and added to the Bill.

Clause 3 was put and carried and added to the Bill.

3-45 p.m. Clauses 4, 5 and 6 were put, passed and added to the Bill.

The preamble was put, passed and added to the Bill.

* The hon. the RAJA OF PANAGAL :—" Sir, I move that the Bill be passed into law."

The hon. Rao Bahadur Sir A. P. PATRO :—" I second it."

The motion was put and carried and the Bill was passed into law.

VII

THE MADRAS NURSES AND MIDWIVES BILL.

* The hon. Mr. C. P. RAMASWAMI AYYAR :—" On the last occasion when I moved this Bill I made it clear that though, under the rules as they exist at present, I had to move it on the Reserved side of the Government, yet the subject matter itself belonged to my hon. Colleague the Chief Minister who is Minister for Local Self-Government and Medical Administration. He has received representations—and some of those representations were repeated to me by virtue of the fact that I am moving this Bill—and they are to the effect that there are certain defects attendant upon the Bill in its present form and that they have to be very carefully considered. In view of that statement Government have been advised not to move it and they will crave permission to move it later on if and when they are advised to do so."

The motion was accordingly not made and was therefore deemed to have been withdrawn.

VIII

PROGRAMME OF BUSINESS DURING THE REMAINING DAYS OF THE SITTING.

* The hon. the PRESIDENT :—" I think the report of the Select Committee on the Civil Courts Bill will be presented to-morrow and the Bill will be considered."

* The hon. Mr. C. P. RAMASWAMI AYYAR :—" I take it that according to the terms of the motion of Mr. Ramalinga Chettiyar it will be ready by to-morrow evening. We hope to present it to-morrow and it is much better not to have any confusion about it. But perhaps in view of the non-official business, the Civil Courts Bill may come up the day after to-morrow if that will suit hon. Members."

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* The hon. the PRESIDENT :—“ Subject to any arrangements that may be made in consideration of emergencies, the whole of to-morrow will be devoted to non-official business beginning with the Bills which have been placed in the ballot and the day after to-morrow will be devoted to the Civil Courts Bill. Whatever time remains on Friday, and the whole of Saturday will be non-official days. Non-official members are entitled to two days, i.e., to-morrow and Saturday.”

* The hon. Mr. C. P. RAMASWAMI AYYAR :—“ There is one matter which must be remembered and that is that Friday has been fixed tentatively for the consideration of the Malabar Tenancy Bill. It will be possible to go on with Council work, if hon. Members consent to release those Members who form Members of the Select Committee on the Malabar Tenancy Bill. Otherwise we will have to adjourn the consideration of the Malabar Tenancy Bill to some other date.”

* The hon. the PRESIDENT :—“ The House may prefer to rise on Friday afternoon after official business. The result of that will be that the meeting of the Select Committee on Malabar Tenancy Bill will stand adjourned to Monday.”

* Diwan Bahadur M. KRISHNAN NAYAR :—“ Is it understood then, that, if the House rises on Friday after finishing the Madras Civil Courts Bill, we Members of the Select Committee on Malabar Tenancy Bill sit as such in the Select Committee.”

* The hon. Mr. C. P. RAMASWAMI AYYAR :—“ That was my proposition. But some hon. Members want that day for non-official business.”

Mr. P. ANJANEYULU :—“ The Select Committee consists only of a few Members. (Voices : large number.) Of course a large number of Members, but non-official work is far too much and if we have some little time on Friday also it may more advantageously be used. On Friday, after finishing the non-official business, or on some other day the Select Committee may sit. I think this arrangement will suit hon. Members of this House because we have number of resolutions and a few Bills to be discussed, and we will have to forego the benefit of having Friday afternoon if we have the Select Committee meeting on that day. I hope this will be agreeable to hon. Members of this House.”

* Diwan Bahadur M. KRISHNAN NAYAR :—“ As has been represented by the hon. the Law Member, the Select Committee on the Malabar Tenancy Bill consists of a pretty large number of persons, about 35 or so, so that I think it will not be possible, at any rate consistently with the interests that many of us have in the Bill and also in the non-official business which will be transacted here, to have the sitting of the Council and also the sitting of the Select Committee simultaneously. One important consideration is that my hon. Friend the Law Member who may have to answer some of the non-official resolutions is the Chairman of the Select Committee and obviously he cannot be in the two places simultaneously. I am anxious personally to have the work of the Select Committee expedited as early as possible.”

* The hon. Mr. C. P. RAMASWAMI AYYAR :—“ I think the suggestion that I throw out will meet with the approval of hon. Members of this House, i.e., to-morrow and the day after will be non-official days, and the rest of

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Saturday after finishing the Civil Courts Bill will be utilized for the Malabar Tenancy Bill. That Committee may sit from day to day and may go on for ten days. All that I say is that the sitting of this Council will terminate on Saturday afternoon."

* Mr. A. RANGANATHA MUDALIYAR :—" I think that more time should be given for the discussion of non-official business. If that is admitted, any time that can be spared by you, Mr. President, might be utilized with advantage for non-official business. Therefore if in addition to to-morrow and Saturday the whole or part of any other day could be allotted for non-official business we would be much obliged "

Mr. A. RAMASWAMI MUDALIYAR :—" On Saturday afternoon after finishing the Madras Civil Courts Bill it will not be possible for many of us to be present here as we shall have to be elsewhere."

* The hon. the PRESIDENT :—" I think it is understood that to-morrow and the day after will be non-official days so as to make room for the Select Committee on the Malabar Tenancy Bill to sit on Saturday afternoon after finishing the Madras Civil Courts Bill in the forenoon of that day. There being no business for the present, the House will now adjourn and re-assemble to-morrow morning at 11 o'clock."

The House accordingly adjourned.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

APPENDIX I

[Vide answer to question No. 86 asked by Mr. C. Gopala Menon at the meeting of the Legislative Council held on the 4th February 1925, page 219 supra.]

Annexure.

Summary of recommendations referred to in the answer to clause (a) of question No. 86.

I would suggest a re-examination of the grouping on the following lines :—

(1) all further grouping should be stopped (orders suspending this temporarily have already issued) ;

(2) the Government should reconsider the grouping already effected, as it is clearly wrong to stop further grouping and retain the grouping already effected ;

(3) the pay of village headmen may be reduced in some villages and for the time being to Rs. 12, pending examination of final results ;

(4) where irrespective of economy a particular grouping is advisable and it is inadvisable to adopt the system of combined (triune) officers, it should be retained ;

(5) no grouped area should be so large as to overstep the limitations of village work ;

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(6) the revised cost after abolition and stoppage of regrouping should not exceed the actual expenditure incurred in 1923-24 plus jamabandi and travelling allowances;

(7) the question of abolition of these allowances should be considered;

(8) the numbers of the menial staff should be limited to administrative requirements; and

(9) the necessity for paying Rs. 10 to menials in Malabar and South Kanara as against Rs. 8 paid elsewhere should be examined.

APPENDIX II.

[Vide item III Communications to the Council at page 230 supra.]

As promised by the hon. Sir Arthur Knapp, in the course of the discussions connected with question No. 926 about the Agency Fituri asked by Mr. C. Ramalinga Reddi at the meeting of the Legislative Council held on the 16th October 1924, the following statements are laid on the table:—

Statement No. I.

		Remarks.
Number of persons removed from the Agency under the Madras State Prisoners Regulation of 1819 and the Ganjam and Vizagapatam Act of 1839 and detained in Jails or under surveillance.	62	Of these, 60 have been released, and the cases of the remaining two are under consideration.

Statement No. II.

Number of persons prosecuted in Courts—				
Transported for life	...	...	...	11
Imprisoned	...	...	...	231
Fined	...	...	...	9
Acquitted	...	...	...	7
Discharged on withdrawal of case	...	...	...	11
Awaiting trial	...	...	...	48 *

APPENDIX III.

[Vide Order of the day No. VI at page 257 supra.]

BILL No. 3 OF 1924.

REPORT OF THE SELECT COMMITTEE ON THE BILL TO
AMEND THE MADRAS DISTRICT MUNICIPALITIES AND
LOCAL BOARDS (AMENDMENT) ACT, 1921.

To

THE HONOURABLE THE LEGISLATIVE COUNCIL
OF THE GOVERNOR OF MADRAS.

WE, the members of the Select Committee appointed to consider the Bill to amend the Madras District Municipalities and Local Boards (Amendment) Act, 1921, have the honour to submit the following report.

* Includes 43 rebels concerned in one case.

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2. The Bill was published in the *Fort St. George Gazette* in English on the 19th February 1924, and in Tamil, Telugu, Malayalam, Kanarese and Hindustani on the 4th March 1924.

3. The Committee met on Friday the 17th October 1924, and the members present were—

- (1) The hon. the Raja of Panagal (*Chairman*),
- (2) M.R.Ry. C. V. Venkataramana Ayyangar,
- (3) „ Mahabala Hegde, and
- (4) „ S. Arpudaswami Udayar.

4. Mr. Venkataramana Ayyangar raised the question of repealing the entire Act. This was not accepted by the Committee. His suggestions that members of taluk and union boards should be excluded from the operation of the Act and that a member may be allowed to take the oath or affirmation at either of the first two meetings which he attends were not accepted.

5. The Committee decided that an addition be made to section 2 (2) of the Act similar to that made to section 4 (2)—vide clause 3 of the Bill as also the consequential drafting alterations.

6. A copy of the Bill as amended by the Committee is appended. The Committee considers it unnecessary to republish the Bill as no material alteration affecting any fundamental principle has been made in the Bill.

P. RAMARAYANINGAR.

T. R. V. SASTRI.

C. V. VENKATARAMANA AYYANGAR.

MAHABALA HEGDE.

S. ARPUDASWAMI UDAYAR.

C. NATESA MUDALIYAR.

P. C. N. ETHIRAJULU NAYUDU.

[NOTE.—The alterations made by the Select Committee are printed in clarendon type.]

BILL No. 3 OF 1924.

A

BILL

TO

Amend the Madras District Municipalities and Local Boards (Amendment) Act, 1921.

[Bill as amended by the Select Committee.]

WHEREAS it is expedient to amend the Madras District Municipalities and Local Boards (Amendment) Act, 1921, ^{Madras Act} II of 1922,

[4th February 1925]

And whereas the previous sanction of the Governor-General has been obtained under section 80-A (3) of the Government of India Act to the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the Madras District Municipalities and Local Boards Further (Amendment) Act, 1924.

2. In sub-section (2) of section 2 of the Madras District Municipalities and Local Boards (Amendment) Act, 1921 (hereinafter referred to as the said Act), after the words 'term of office commences' the words 'or at one of the first three meetings held after the said date' shall be inserted.

3. Section 3 of the said Act shall be omitted.

4. In sub-section (2) of section 4 of the said Act after the words 'term of office commences' the words 'or at one of the first three meetings held after the said date' shall be inserted.

5. For section 5 of the said Act, the following shall be substituted, namely:—

"5. Notwithstanding anything contained in the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, or any other law for the time being in force, no person who has been elected or appointed a councillor or a member of a local board or who has become an ex-officio member of a local board shall take his seat at a meeting of the council or the local board or do any act as such councillor or member unless he has made the oath or affirmation as laid down in this Act."

6. After section 5 of the said Act, the following section shall be added, namely:—

"6. The provisions of this Act shall be applicable notwithstanding anything contained in the Indian Oaths Act, 1873."